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1 with them in order for the police officer to know that
2 they have a mental history or --

3 MR. CHANEY: Hang on, he was just asking you
4 to clarify.

5 THE WITNESS: Clarify that question.

6 MR. CHANEY: You said known mental illness.

7 MR. RUIZ: Right.

8 MR. CHANEY: And he said, what do you mean
9 known? That the officer knows?

10 Q. (By Mr. Ruiz) Well, let's say the officer
11 observed --

12 A. Okay. He assessed --

13 Q. -- odd behavior.

14 A. Yeah, okay.

15 Q. Okay. And he assessed --

16 A. Right.

17 Q. -- this odd behavior.

18 A. Yes, sir.

19 Q. But he doesn't take him to the MHMR, okay,
20 instead he takes this person with odd behavior to the
21 lockup, to the Weslaco lockup.

22 A. Yes, sir.

23 Q. Does he have any continuing responsibility for
24 the care of this individual?

25 A. No, it shifts to the jail -- the jailer.

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1 Q. Okay. Well, what are the responsibilities of the
2 jailer at that point, Chief Martinez?

3 A. Well, at that point, if she fills out the
4 booking -- the booking sheet, where they fill out
5 the -- the questions that they're asked, have they ever
6 been brought for any other different mental problems or
7 whatever, they say no.

8 There's a -- there should be a question there,
9 there is a question that says if they have any -- any --
10 are they under doctor's care? Are they under --

11 Q. Okay.

12 A. And if they answer truthfully that they're not,
13 then -- now, if he notices behavior that is not common
14 to people who are intoxicated, or people who are
15 drugged, but rather is talking to the wall, is seeing
16 visions or whatever, then yeah, then they calls the
17 supervisor, who is Captain Walinsky, and then calls the
18 arresting officer back in, and together, they
19 assess -- reassess that prisoner, and then take him to
20 MHMR.

21 Q. And Chief, and in order to allow the jailer
22 to -- in order for the jailer to make that call to
23 Captain Walinsky for further assessment, the jailer,
24 would you agree with me, needs to have an understanding
25 regarding what behavior can be attributed to mental

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1 illness and what behavior is not attributed to mental
2 illness, would you agree with that?

3 A. Well, abnormal behavior.

4 Q. Okay. And since -- and -- okay, abnormal
5 behavior, right?

6 A. Yes, sir. Yes, sir.

7 Q. And so is there -- did the City of Weslaco
8 provide its uncertified and unlicensed jailers with a
9 list of what would count or what would be abnormal
10 behavior so that they could do their job properly?

11 MR. CHANEY: Objection, form. Don't answer
12 that question.

13 MR. RUIZ: What's wrong with that question?

14 MR. CHANEY: Because it's argumentative.

15 MR. RUIZ: It's not.

16 MR. CHANEY: When you say, so they could do
17 their job properly --

18 MR. RUIZ: Okay. Let me -- I'll rephrase.
19 I'll be more than glad to rephrase.

20 Q. (By Mr. Ruiz) Did the City of Weslaco, during
21 your tenure as chief, and I'm -- from 1997 and at any
22 point, Chief Martinez, did the City of Weslaco provide a
23 list, or any type of document to their jailers that they
24 could refer to that would describe what is abnormal
25 behavior?

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1 A. I think there's -- there's addressed here about
2 using good judgment and also common sense.

3 MR. CHANEY: Page 37, No. 4, maybe that's
4 what you're thinking of.

5 A. Yes, sir.

6 Q. (By Mr. Ruiz) Okay. I don't -- what is your
7 answer, sir?

8 A. What was the question again?

9 Q. The question was -- and I'll ask you the
10 question.

11 A. Okay.

12 Q. And I'll be even more specific.

13 A. Okay.

14 Q. Were you aware of any document that was a City of
15 Weslaco document that existed in May of 2007 that would
16 describe for your jailers or detention officers what
17 would constitute abnormal behavior of persons arrested?

18 A. No, there's no list. Common sense.

19 MR. CHANEY: He just asked you if there was
20 a list, you said no, and that's the end of it.

21 THE WITNESS: Okay, no.

22 MR. CHANEY: That's a sufficient answer.

23 THE WITNESS: No.

24 Q. (By Mr. Ruiz) Okay. And were there any type of
25 other memos or directives to these jailers that you were

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1 aware of in May of 2007 that would describe for your
2 jailers and detention officers when a detainee was
3 behaving abnormally?

4 A. No.

5 Q. Okay. Now, you referenced a section under -- in
6 Exhibit No. 2, I believe.

7 A. Uh-huh, yes, sir.

8 Q. Under the booking procedures.

9 A. Yes, sir.

10 Q. Was that -- and you were -- you were pointing at
11 Section No. 4, I think, is that what you read?

12 A. Yes, sir.

13 Q. No. 4?

14 A. Yes, sir.

15 Q. Was -- do you know if that section existed in
16 May of 2007 in the policies and procedures of the -- or
17 the jail and detention procedures of the Weslaco Police
18 Department back in May of 2007?

19 A. If it existed?

20 Q. Right. Was it --

21 A. In 2007?

22 Q. Yes, sir. If --

23 A. I would need to -- I would need to look at
24 the --

25 Q. Well, and we don't have it. I'm not trying to

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1 trick you or anything.

2 A. I don't know whether --

3 Q. If you don't, that's fine.

4 A. I don't remember whether it was or it was not,
5 but I would have to look at the previous one. This was
6 done on the --

7 Q. This -- well, and -- well, and let's say after
8 this section was added, would you agree with me that in
9 order -- this Section No. 4 for a detention officer or a
10 jailer, in order to follow this booking section of
11 the -- of the jail and detention procedures --

12 A. Uh-huh.

13 Q. -- he would need some kind of training in order
14 to determine whether a subject was suffering from
15 mental -- mental illness, would you agree with that?

16 A. That they need to have some type of --

17 Q. They would need to have some kind of training in
18 order to comply and follow this section?

19 MR. CHANEY: Objection, form.

20 Q. (By Mr. Ruiz) No. 4?

21 A. No.

22 Q. No?

23 A. Because this section says complete a booking
24 card, detention report, fill according, complete the
25 medical questionnaire, which is what the police

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1 department Form 23 as well. And then it states on
2 there, inmates requiring medical attention will be seen
3 by an emergency management -- emergency medical
4 specialist.

5 Q. Okay.

6 A. Okay. Not the jailer, an emergency medical
7 specialist and treated accordingly. No inmate will be
8 denied medical attention. Subjects believed to be
9 suffers from mental illness and presenting a danger to
10 themselves or others will be evaluated by a supervisor
11 for possible Section 26.

12 Q. Okay. So let me see if I got you -- if I
13 understand you. So in order to determine whether the
14 detainee required further medical attention by EMS,
15 the --

16 A. Or MHMR.

17 Q. I'm going get there. Or further mental health
18 services --

19 A. Uh-huh.

20 Q. -- in order to determine that, the jailer or
21 detention officer first needs to fill out several
22 documents during the booking process?

23 A. Uh-huh.

24 Q. Is that correct?

25 MR. CHANEY: Objection, form.

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1 MR. RUIZ: What's your objection?

2 MR. CHANEY: Well, it just -- that's not
3 what it says. It says, do it, it doesn't say first do
4 it.

5 MR. RUIZ: Okay.

6 MR. CHANEY: It's confusing.

7 Q. (By Mr. Ruiz) Chief Martinez, in order for a
8 jailer to determine whether someone who's been arrested,
9 or a detainee, requires medical attention by EMS in
10 accordance with this section you just read --

11 A. Uh-huh.

12 Q. -- okay, the jailer first needs to complete
13 several booking cards and arrest detention reports and a
14 medical questionnaire? Am I understanding you
15 correctly?

16 A. No, sir.

17 Q. No?

18 A. No, sir.

19 Q. Okay.

20 A. If he -- if he assesses the person to be a danger
21 to himself, then he calls in EMS. If he's got cuts on
22 his hands or whatever, the first people that come in is
23 EMS.

24 EMS asks a series of questions for their report,
25 and then -- and then cards will be -- if at that point

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1 they need to call the supervisor, then the supervisor
2 gets called in. Then when the person is being booked
3 and is going in to jail is when you fill all of
4 the -- all of the paperwork.

5 Q. Okay. Well, then let me ask you this question,
6 in May of 2007 was there a requirement -- and see, I
7 don't know if these -- if these policies -- this policy
8 existed in May of 2007, so I'm just going to ask from
9 what you remember.

10 A. Yeah, sure. Sure.

11 Q. In May of 2007, Chief Martinez, was there a
12 requirement that your jailers or detention officers
13 complete the booking card and arrest detention report
14 fields prior to locking someone up at the Weslaco jail?

15 A. Yes, sir.

16 Q. Okay. In May of 2007, was there a requirement
17 that your Weslaco jailers or detention officers also
18 complete something that was called a booking medical
19 questionnaire or form?

20 A. A card, a form. Yeah, not a questionnaire.
21 Medical questionnaire, no, just a form.

22 Q. Okay. And you know what, let me do this, let me
23 pull them out so that way we can talk about them, okay?

24 A. All right.

25 (Plaintiff's Exhibit No. 6 marked.)

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1 Q. (By Mr. Ruiz) Chief Martinez, I'm handing you
2 Exhibit No. 6.

3 A. Okay, sir.

4 MR. CHANEY: How many pages is No. 6?
5 Should we staple it together?

6 MR. RUIZ: I think there's 13, but since I'm
7 going to refer him --

8 MR. CHANEY: Should I staple them together
9 for him?

10 MR. RUIZ: I'm go to go through each one of
11 them, so maybe at the end when we get done.

12 MR. CHANEY: Okay.

13 Q. (By Mr. Ruiz) Are there 13 pages in Exhibit
14 No. 6?

15 A. Let me see.

16 Q. How many pages, Chief?

17 A. Counting the cover page.

18 Q. Everything, uh-huh.

19 A. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and several
20 are repetitious.

21 Q. Right.

22 A. Yeah.

23 Q. But there's 13 in there, right?

24 A. There's 13 sheets here, yes.

25 Q. Okay. And we'll go through.

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1 A. Okay.

2 Q. What is the first page of Exhibit No. 6, Chief
3 Martinez?

4 A. It's when a call comes in --

5 Q. Okay.

6 A. -- from the officer from the field, or from
7 the -- from the -- they get a call of a person, somebody
8 calls in, and they send -- they dispatch. It's
9 a -- it's a dispatch log is what it is.

10 Q. Okay. And so -- and that was going to be my
11 question. This first page of Exhibit No. 6, this
12 document is generated at what department within the
13 Weslaco Police Department?

14 A. The communication department.

15 Q. Communication?

16 A. Yes, sir.

17 Q. And do you notice there's a section down here
18 that's called -- that says notes in the middle with
19 dates and times?

20 A. Yes, sir.

21 Q. Okay. Who -- who inputs the data on this report
22 that shows up in this note section?

23 A. Every time they -- they call in --

24 Q. Uh-huh.

25 A. -- and call out it's recorded, so --

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1 Q. Does it record automatically?

2 A. Yeah, automatically.

3 Q. Okay. And so this -- like for example, if you
4 look at the note section on page -- on that first page
5 of Exhibit No. 6 --

6 A. Uh-huh.

7 Q. -- female wearing white shirt and jeans,
8 barefoot?

9 A. Yeah.

10 Q. Who inputted that information?

11 A. That's -- that's the dispatcher --

12 Q. Okay.

13 A. -- is giving the information out to -- to the
14 officer.

15 Q. And then the dispatcher filled it into a form on
16 her computer?

17 A. Yes, sir.

18 Q. Okay. And then it's recorded, and when it's
19 printed out, these -- whatever she prints out comes out
20 on this note section?

21 A. She gets a call up here, and it says incident
22 report --

23 Q. Yes, sir.

24 A. -- and telephone number, and it says 406
25 Gostadero.

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1 Q. Okay.
 2 A. That there's possibly a 10-56 which is public --
 3 public intoxication person.
 4 Q. Okay.
 5 A. And that's when it's given out to the -- to the
 6 officer, under the notes it says at 21:06 female wearing
 7 white sheet and jeans barefooted. And then again second
 8 caller advised female on the road and --
 9 Q. And the dispatcher in the communications
 10 department types that information, second caller advised
 11 female on road?
 12 A. Yes, sir.
 13 Q. Okay. And if we look at the bottom part of the
 14 first page of Exhibit No. 6 it identifies who the
 15 dispatchers are, would that be correct?
 16 A. Yes, sir.
 17 Q. And --
 18 A. Dispatcher and officers.
 19 Q. Okay. Jesus Garza, was that an officer or a
 20 dispatcher?
 21 A. He's a dispatcher.
 22 Q. Okay. Noe Yanez?
 23 A. He's an officer.
 24 Q. Okay. Pedro Cortez?
 25 A. He's an officer.

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1 Q. And then we have Jesus Garza, I guess, who was a
 2 dispatcher?
 3 A. Dispatcher.
 4 Q. So if we look at Exhibit No. 6, this first page
 5 with respect to the notes section was filled out by
 6 dispatcher Jesus Garza?
 7 A. Yes, sir.
 8 Q. Okay. Can we look at the second page, sir?
 9 A. Yes, sir.
 10 Q. The second page, this document is generated in
 11 what department within the Weslaco Police Department?
 12 A. That is done in the -- in the booking department.
 13 Q. That is in the booking department, would that
 14 mean the jail department?
 15 A. Yes, sir.
 16 Q. Okay. And I will -- I will ask you to look at
 17 the top part of the second page of Exhibit No. 6, the
 18 case number in the upper right-hand corner --
 19 A. Right uh-huh.
 20 Q. -- is 07-10336, is that correct?
 21 A. That's correct, sir.
 22 Q. And that matches the incident number on the first
 23 page of Exhibit No. 6, correct?
 24 A. That's correct.
 25 Q. Okay. So we're talking about the same incident

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1 on the same date?
 2 A. Yes, sir.
 3 Q. Okay. And this -- at the top of -- we're looking
 4 at the top card, I guess?
 5 A. Uh-huh.
 6 Q. States Weslaco Police Department jail card?
 7 A. Yes, sir.
 8 Q. Who is responsible for filling out this jail
 9 card?
 10 A. Either/or, the officer making the arrest or
 11 sometimes the -- the jailer.
 12 Q. Was there a requirement in May of 2007 that this
 13 section of the Weslaco Police Department jail card be
 14 completed?
 15 A. Yes.
 16 Q. Was it required?
 17 A. Yes.
 18 Q. Okay. Always?
 19 A. Yes.
 20 Q. Okay. Let's turn to -- and this particular jail
 21 card was filled out, can you tell by -- does it say who
 22 filled out this information, Chief Martinez?
 23 A. Noe Yanez. Well, it doesn't say who filled it
 24 out --
 25 Q. Okay.

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1 A. -- it just has the people -- the people that
 2 are -- and basically this just says the arrest, the
 3 charge.
 4 Q. Okay.
 5 A. And then what he had in his possession.
 6 Q. And it identifies the arresting officer in
 7 Box 28 --
 8 A. Yes, sir.
 9 Q. -- Noe Yanez. And the booking officer --
 10 A. Yes, sir.
 11 Q. -- box 29 --
 12 A. Yes, sir.
 13 Q. -- with J-4?
 14 A. Yes, sir.
 15 Q. Do you know whose signature that is for the
 16 booking office?
 17 A. No, sir. I can't --
 18 Q. Okay.
 19 A. I can't tell.
 20 Q. Okay. Let's look at the third page, I think, is
 21 a --
 22 A. It's a repeat.
 23 Q. It's a repeat?
 24 A. Uh-huh.
 25 Q. Then --

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1 MR. CHANEY: Could we -- is there a way to
2 either mark them like 6-1 through 13, or at least refer
3 to the Bates numbers.

4 MR. RUIZ: Oh, sure.

5 MR. CHANEY: As we go so we don't get
6 confused.

7 MR. RUIZ: Right.

8 Q. (By Mr. Ruiz) So we've looked at Bates -- at
9 Exhibit 6 Bates No. 448, correct, Chief? That was the
10 first one?

11 A. Yes, sir.

12 Q. Then we've looked at the second page, which is
13 Bate stamped No. 347?

14 A. Yes, sir.

15 Q. We're going to skip the third page, Bate stamp
16 No. 456?

17 A. Yes, sir.

18 Q. And now let's look at Bate stamp No. 457.

19 A. Yes, sir.

20 Q. On the upper half of Bate stamp No. 457 of
21 Exhibit No. 6 --

22 A. Uh-huh.

23 Q. -- is this the back part of the jail card that we
24 looked at earlier?

25 A. Yes, sir.

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1 Q. Okay. And this -- this card, this side of the
2 card, was it -- was there a requirement in May of 2007
3 that this part of the card be filled out completely?

4 A. No, sir.

5 Q. Okay. And the types of questions that are asked
6 in the back part of the jail card --

7 A. Uh-huh.

8 Q. -- include, are you under a doctor's care?

9 A. Right.

10 Q. Is that correct?

11 A. That's correct.

12 Q. Did I read that correctly?

13 A. Yes, sir.

14 Q. No. 2, are you currently sick or injured?

15 A. Yes, sir.

16 Q. No. 3, are you currently taking any medication?

17 A. Yes, sir.

18 Q. Did I read that correctly?

19 A. That's correct.

20 Q. Are you a diabetic?

21 A. Yes, sir.

22 Q. Do you have epilepsy?

23 A. Yes, sir.

24 Q. Do you have any communicable diseases? If yes,
25 what? Did I read that correctly?

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1 A. Yes, sir.

2 Q. Seven, when was your last doctor's visit?

3 A. Uh-huh.

4 Q. And No. 8, what was the reason for the visit?

5 A. Yes, sir.

6 Q. And that's Weslaco PD Form 27 is the little
7 number at the bottom?

8 A. Yes, sir.

9 Q. And even though it's a Weslaco Police Department
10 form, your testimony here today is that in May of 2007
11 the jailers were not required to complete these
12 questions, is that correct?

13 A. They asked the question, but to specifically note
14 them on there, no, sir.

15 Q. Okay. So there was a requirement that they ask
16 these questions?

17 A. Yes, sir.

18 Q. Okay.

19 A. They have to ask the question of every --

20 Q. Okay.

21 A. Now, why this is not filled out -- I mean,
22 normally it needs to be filled out, why it's not filled
23 out, I'll never know. I have no idea.

24 Q. Well -- okay. In May of 2007 there was a
25 requirement that they ask these questions --

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1 A. Yes, sir.

2 Q. -- to the person that is being booked?

3 A. Yes, sir.

4 Q. You're telling me here today --

5 A. Right before they --

6 Q. -- that there is no requirement that they
7 actually write down or document the responses of the
8 person arrested, is that correct?

9 A. That's correct. And I think that's a change on
10 that amendments also, all the -- all the medical has to
11 be filled out, I think that was a change that was made.
12 I think we can find it. It's in there.

13 Q. Because under Exhibit No. 2, under Section 4 it
14 says, complete the booking card and arrest detention
15 report fields accordingly?

16 A. Uh-huh.

17 Q. Correct? Did I read that correctly?

18 A. Where's --

19 Q. That would be in there?

20 A. Oh, yes, sir. Yes, sir. That's the -- that's
21 the amended on that thing.

22 Q. Okay. So that did not exist in May of 2007?

23 A. That's right.

24 Q. So in May of 2007 there was no Weslaco policy
25 that required the jailers or detention officers to

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1 document the answers of the persons arrested when they
2 are asked the questions on the jail card, is that
3 correct?

4 A. They would ask the questions, but they could fill
5 it out, or you know, there was no -- they were supposed
6 to fill it out. They're supposed to fill it out, but it
7 was not a -- a policy or a -- under the general order.

8 Q. Okay.

9 A. And that's the reason why it was put in there.
10 It was told to them that they need to fill this out.

11 Q. Are you talking about May of '07?

12 A. Yes, sir.

13 Q. Okay. So what is it that -- what was your
14 understanding what jailers had to do with respect to the
15 Weslaco jail card?

16 A. They had to fill them out.

17 Q. Was that a requirement?

18 A. Well, my requirement.

19 Q. Okay.

20 A. That they fill them out.

21 Q. Okay. Was there anything in writing that said --

22 A. No, sir. Not until --

23 Q. -- jailer you need --

24 A. Not until we put it on --

25 MR. CHANEY: Let him finish his question,

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1 please.

2 THE WITNESS: Okay.

3 Q. (By Mr. Ruiz) Was there a written policy that the
4 jailers could say -- that directed the jailers to ask,
5 and complete, and document the responses of the persons
6 arrested after they've been asked the questions in that
7 jail card?

8 A. Prior to?

9 Q. I'm asking about May of 2007?

10 A. May of 2007, yes, sir.

11 Q. Yes, sir what?

12 A. Yes, they had to -- they had to fill it out.

13 Q. They had to fill it out?

14 A. Uh-huh.

15 Q. Now, that policy was not enforced, correct?

16 A. If -- yeah. By looking at this, I don't think it
17 is enforced.

18 Q. Okay. So did the jailer on May 13th who
19 partially completed this jail card -- you notice on --

20 A. Uh-huh.

21 Q. -- Bate stamp No. 457 --

22 A. Right.

23 Q. -- he only puts the name of the -- the person
24 arrested, the date of birth, the address, the case
25 number, right?

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1 A. Right.

2 Q. The city, Weslaco and the state. He was required
3 to fill in all the other blanks on this card in May of
4 2007?

5 A. He had to. I mean, as far as a written policy, I
6 don't think there was a written policy. It stated that
7 booking procedures had to be -- the jailers had to make
8 sure that -- that the people that they were booking were
9 assessed and all -- you know. But as far as -- as far
10 as filling out the card, as far as filling out a
11 requirement, no.

12 Q. It was not required that they document the
13 answers to the questions on this jail card, am I
14 correct?

15 A. Nothing --

16 Q. In May of 2007?

17 A. Nothing in writing.

18 Q. Okay. And verbally?

19 A. Yes, sir.

20 Q. They were required?

21 A. Yes, sir.

22 Q. And so this jailer on May 13th of 2007 violated
23 the verbal policy that required that he complete this
24 jail card and ask the questions that I just read from
25 one through eight?

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1 A. Yes, sir.

2 Q. Am I correct?

3 A. Well, that he asked them, I don't know -- I don't
4 know whether he did or he didn't.

5 Q. Okay.

6 A. Okay. I can't answer that unless -- he's the
7 only one that can answer that or whoever was there --

8 Q. Right.

9 A. -- the arresting officer. I can't answer to that
10 because I don't know if he did ask them or I don't know
11 if he --

12 Q. Okay.

13 A. -- if he didn't.

14 Q. Well, but the verbal requirement, or the way the
15 verbal directive was passed on to the jailer in
16 May of '07 was that he asked and document and complete
17 this form?

18 A. Yes, sir.

19 Q. Am I understanding you correctly?

20 A. Yes, sir.

21 Q. And so my question to you is, did that jailer on
22 May 13th of 2007 violate that verbal directive by not
23 documenting the answers to these questions?

24 A. Yes, sir.

25 Q. On this jail card?

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1 A. Yes, sir.
 2 Q. Thank you. Now, if we look at the next page --
 3 that's 458, we can skip that one, Chief.
 4 A. That's the same one.
 5 Q. And then we have a duplicate as well --
 6 A. Yes, sir.
 7 Q. -- I apologize for that.
 8 A. Yes, sir.
 9 Q. That was 456.
 10 A. Duplicate, yeah.
 11 Q. And duplicate again 457, 458. Then the next
 12 page, which is 98, also pertains to this arrest of
 13 Maricela Trevino on May 13th of '07?
 14 A. Uh-huh.
 15 Q. Is that correct?
 16 A. Yes, sir.
 17 Q. And it also shares the same case number as the
 18 first page of Exhibit 6?
 19 A. Yes, sir.
 20 Q. The 10336?
 21 A. Yes, sir.
 22 Q. Okay. This document is generated by what
 23 department of the Weslaco Police Department, sir?
 24 A. It's documented there at the -- it's generated by
 25 the dispatch office.

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1 Q. Okay. So this is another communications
 2 department document?
 3 A. Yes, sir.
 4 Q. Okay. And does the dispatchers in that
 5 department, do they fill in all this information? Are
 6 there fields in a computer or are they -- how does it
 7 get filled out, I guess I should ask you?
 8 A. This portion at the bottom here is connected with
 9 the -- with the computer that's in the -- in the jail.
 10 Q. Okay.
 11 A. And this information, at the arrestee report, is
 12 inputted in there by the jailer.
 13 Q. The arrestee report?
 14 A. Yeah, arrestee report.
 15 Q. Which is?
 16 A. Which is gives you the name, the address.
 17 Q. Okay.
 18 A. Sex, female, whatever.
 19 Q. Quick question, Chief, and so does the jailer go
 20 to the communications department to fill out that
 21 arrestee report section?
 22 A. No, sir. He's -- the computer is -- is --
 23 Q. They share information?
 24 A. It's linked to the dispatch --
 25 Q. Okay.

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1 A. -- to fill this -- this report. This becomes a
 2 document that is -- that is kept under the
 3 communications.
 4 Q. Okay. And so -- but the jailer has access from
 5 his booking area at the jail to fill in this section
 6 under arrestee report?
 7 A. Yes, sir.
 8 Q. And --
 9 A. And it also goes to DPS, if it needs to go to the
 10 to DPS, to the county, if it needs to go to the county.
 11 Q. And if there's a request for this particular
 12 arrest when it gets printed up, it also prints out the
 13 other information that was completed by the dispatcher?
 14 A. Yes, sir.
 15 Q. Which are the other fields in there, is that
 16 correct?
 17 A. Yes, sir.
 18 Q. And that report is printed out at the dispatch or
 19 the communications department?
 20 A. Yes, sir.
 21 Q. Okay, thank you. The next page is also part of
 22 that --
 23 A. Yes, sir.
 24 Q. -- report, right?
 25 A. Uh-huh.

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1 Q. That's 99?
 2 A. Right.
 3 Q. 100 is also part of that report?
 4 A. Yes, sir.
 5 Q. But this is a narrative by the police officer --
 6 A. Yes, sir.
 7 Q. -- am I correct?
 8 A. That's correct.
 9 Q. So how does this section, this narrative of the
 10 police officer, make it to the communications
 11 department? Does he go and does he type it up over
 12 there?
 13 A. He types it up. He types it up in the -- in the
 14 station.
 15 Q. Okay.
 16 A. The work station and hooks it up there.
 17 Q. And then once it -- just like the booking -- just
 18 like the jailer and that information --
 19 A. Yes, sir.
 20 Q. -- it gets routed, I guess --
 21 A. Yes, sir.
 22 Q. -- to the dispatch department?
 23 A. Yes, sir.
 24 Q. Okay, thank you. The last page on exhibit -- oh,
 25 no, the second to the last page on Exhibit No. 6 --

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1 A. Uh-huh.
 2 Q. -- Chief Martinez is called Weslaco City Jail, do
 3 you see that at the top?
 4 A. Yes, sir.
 5 Q. And it says booking medical sheet 2007, 1003?
 6 A. Yes, sir.
 7 Q. And the date is May 13th of '07?
 8 A. Yes, sir.
 9 Q. Is this the same incident we've been talking
 10 about since Page 1?
 11 A. 5/13 of '07, yes, sir.
 12 Q. Okay. And it pertains to Maricela Trevino?
 13 A. Yes, sir.
 14 Q. Correct?
 15 A. Yes, sir.
 16 Q. And it has an ID number of 14085, do you see
 17 that, on the left-hand corner?
 18 A. 14085, yeah.
 19 Q. Okay. And at the top -- I don't know if I missed
 20 it, but it's called the booking medical sheet?
 21 A. Uh-huh.
 22 Q. Correct?
 23 A. Uh-huh.
 24 Q. Who is responsible for filling out this booking
 25 medical sheet?

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1 A. The officer.
 2 Q. The police officer?
 3 A. Yes, sir.
 4 Q. Okay. And this -- even though it says Weslaco
 5 City Jail?
 6 A. Uh-huh.
 7 Q. Okay.
 8 A. Yes, sir.
 9 Q. Is -- is this information, once it gets typed in
 10 from -- it gets typed in at where? Where does the
 11 police officer type or respond to these questions?
 12 A. From his work station.
 13 Q. From his work station, okay. And in order to
 14 answer the questions, for example, under visual
 15 assessment, right?
 16 A. Uh-huh.
 17 Q. There's ten questions under that?
 18 A. Uh-huh.
 19 Q. Is the inmate unconscious? Do you see that, sir?
 20 Did I read that correctly?
 21 A. Yes, sir. Yes, sir.
 22 Q. No. 2, does the inmate have any visible signs of
 23 trauma, illness, obvious pain, or bleeding requiring
 24 immediate medical attention?
 25 A. Yes, sir.

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1 Q. Did I answer that correctly?
 2 A. Yes, sir.
 3 Q. Did I read that correctly? I'm sorry.
 4 A. Yes, sir.
 5 Q. No. 3, is there obvious fever, swollen lymph
 6 nodes, jaundice or other evidence of infection that may
 7 be contagious? Did I read that correctly?
 8 A. Yes, sir.
 9 Q. Any signs of poor skin conditions, vermont,
 10 rashes or needle marks? Did I read that correctly?
 11 A. Yes, sir.
 12 Q. No. 5, does the inmate appear to be under the
 13 influence of drugs or alcohol? Did I read that
 14 correctly?
 15 A. Yes, sir.
 16 Q. Six, any visible signs of alcohol or drug
 17 withdrawal? Did I read that correctly?
 18 A. Yes, sir.
 19 Q. Seven, does the inmate's behavior suggest the
 20 risk of suicide or assault? Did I read that correctly?
 21 A. Yes, sir.
 22 Q. No. 8, is the inmate carrying medication? Did I
 23 read that correctly?
 24 A. Yes, sir.
 25 Q. No. 9, does the inmate have any physical

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1 deformities? Did I read that correctly?
 2 A. Yes, sir.
 3 Q. No. 10, does the inmate appear to have
 4 psychiatric problems?
 5 A. Yes, sir.
 6 Q. Did I read that correctly?
 7 A. Yes, sir.
 8 Q. On the side of all of those questions, to the
 9 left of these questions is a section that's called
 10 yes -- and it says yes and no?
 11 A. Yes, sir.
 12 Q. Is it my understanding that they -- that the
 13 police officer, when they're filling out this booking
 14 medical sheet, would have to answer yes or no on their
 15 computer to each one of these ten questions?
 16 A. This is a -- yeah, they would. This is a -- a
 17 report that belongs to the police officer. So he gets
 18 the information on there, and then he -- he keeps this
 19 as part of his -- his report.
 20 Q. Okay.
 21 A. There's no EMS report on here? I thought --
 22 Q. Sir, I've given you everything that I have with
 23 respect to that date that I have together.
 24 A. There was EMS called in at the time, and there
 25 should be a report, and that's reason probably why he

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1 didn't fill this out because the same --
 2 Q. Well --
 3 A. The EMS report is --
 4 Q. But Chief Martinez, are you talking about the
 5 13th or the 17th?
 6 A. I'm talking about the day.
 7 Q. The 13th?
 8 A. Yes, sir, that's when --
 9 Q. See, the date -- the date of the incident is
 10 May 17th.
 11 A. Well, when she got -- when she got arrested -- I
 12 mean, this lady was in and out, supposedly. And there's
 13 a possibility that this reports are not the ones
 14 that -- that were done when -- when -- on the last
 15 arrest. It may be that we have reports here to previous
 16 arrests.
 17 Q. Correct. This is a -- this is my -- because it's
 18 February 13th.
 19 A. Okay.
 20 Q. I'll represent to that that's not the day that
 21 she -- that she hung herself.
 22 A. Right.
 23 Q. Okay. So this is four days or three days --
 24 A. Okay.
 25 Q. Three or four days before that.

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1 A. Uh-huh.
 2 Q. And my question to you, on May 13th of '07, was
 3 the police officer who arrested her -- and we can find
 4 out by the first page, right?
 5 A. Uh-huh.
 6 Q. The arrest --
 7 A. Uh-huh.
 8 Q. The arresting officer was Noe Yanez?
 9 A. Right, sir.
 10 Q. Or Pedro Cortez, right?
 11 A. Right, sir.
 12 Q. One of those two police officers had the duty to
 13 answer the questions that I just read out in this
 14 booking medical sheet, is that correct?
 15 A. That's right.
 16 Q. Okay. So this medical sheet -- this booking
 17 medical sheet also has a bottom part --
 18 A. Uh-huh.
 19 Q. -- with the continuation of Questions 11 through
 20 22.
 21 A. Right.
 22 Q. In -- on May 13th of 2007, did the arresting
 23 police officers, Pedro Cortez or Noe Yanez, did they
 24 have a duty to also answer the question -- the medical
 25 questions from 11 to 22 that you see Bates No. 292?

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1 MR. CHANEY: Objection, form.
 2 A. Okay. If -- yeah. If this patient -- or this
 3 prisoner was to be sectioned, then yeah, they would
 4 answer all of this --
 5 Q. (By Mr. Ruiz) Okay.
 6 A. -- completely.
 7 Q. And --
 8 A. Now, if there was no reason for them to -- to
 9 think that they needed to -- then again, they call in
 10 the supervisor who would --
 11 Q. So do you make the --
 12 A. -- who would make the assessment.
 13 Q. So Chief Martinez, do you make the determination
 14 whether -- as a police officer, whether someone needs to
 15 be sectioned before filling out this booking medical
 16 sheet or do you -- is that a yes?
 17 A. Yes, sir.
 18 Q. Okay. And if there is a need for sectioning,
 19 based on the officer's assessment --
 20 A. Yes, sir.
 21 Q. -- then at what point does this booking medical
 22 sheet become relevant and when does it have to be filled
 23 in and completed?
 24 A. Well, at the time that they -- that they booked
 25 the individual.

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1 Q. Okay. And at the time they --
 2 A. Now, if they bring them to the -- to the
 3 detention center.
 4 Q. You mean the --
 5 A. The jail.
 6 Q. You mean the jail?
 7 A. Uh-huh, yes, sir.
 8 Q. Okay.
 9 A. If they bring them there, and they book them,
 10 then they ask this. Now, if they take this person and
 11 not book them but take them to -- or release them to the
 12 parents, or whatever the case may be, because they
 13 figure, you know, she's in and out, in and out, in and
 14 out then they don't fill it out.
 15 Q. Okay. So let me understand when you can -- when
 16 you fill it out.
 17 A. Uh-huh.
 18 Q. You're saying this needs to be filled out by a
 19 police officer?
 20 A. Yes, sir.
 21 Q. Correct?
 22 A. Yes, sir.
 23 Q. When that police officer delivers a detainee to
 24 the jail?
 25 A. Uh-huh.

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1 Q. Correct?
 2 A. That's correct.
 3 Q. And in order to fill this out, you said that they
 4 have to go to their -- to a computer in the -- in
 5 their -- at their office?
 6 A. Yeah. Or it's in the jail --
 7 Q. Okay.
 8 A. In the jail system.
 9 Q. And so at the booking area, inside the jail --
 10 A. Uh-huh.
 11 Q. -- the officer --
 12 A. Can.
 13 Q. -- can respond these questions?
 14 A. Yes, sir.
 15 Q. From that computer?
 16 A. Yes, sir.
 17 Q. And the reason I was asking, in order to answer
 18 these questions, do you need to have the detainee --
 19 A. Sure.
 20 Q. -- next to you, right?
 21 A. Yeah.
 22 Q. Okay. And so in -- we know from Exhibit No. 6,
 23 based on the jail card, the second page of
 24 Exhibit No. 6, that Ms. Trevino was in jail, was
 25 arrested on the 13th, right, and she was released from

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1 the Weslaco jail on May 15th of 2007?
 2 A. Uh-huh.
 3 Q. Is that correct?
 4 A. That's correct.
 5 Q. So when the police officer who arrested her, or
 6 the police officers who arrested her on May 13th, 2007
 7 and delivered her to the -- to the booking department at
 8 the jail, at that point, the police officers were
 9 required by policy to complete this medical -- booking
 10 medical sheet, is that correct?
 11 A. Yes, sir.
 12 Q. Okay. Does the jailer have any responsibility
 13 for filling out this booking medical sheet, sir?
 14 A. Only if -- if the officer delegates that
 15 responsibility to the jailer, if he has to quickly get
 16 up, back out on the -- on the road, and he delegates the
 17 responsibility to the jailer, then jailer has that
 18 responsibility.
 19 Q. Okay. And this responsibility for the police
 20 officer to answer the questions in this booking medical
 21 sheet -- and we're looking at the one on May 13th
 22 of '07 -- is that written down anywhere? Or is that
 23 another verbal directive that they were told to follow?
 24 A. That was a verbal that was -- that was handed
 25 down by the -- I think Captain Walinsky had stated to

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1 them that they needed to fill out all of this. And it
 2 wasn't until we got the policy in place that's -- that's
 3 where we started putting all that in there.
 4 Q. Okay.
 5 A. It used to be verbal and now it's mandatory.
 6 Q. Okay. So the verbal policy requiring that
 7 jailers answer the questions -- the medical questions on
 8 the back of the jail card, that was also a verbal
 9 directive, right?
 10 A. Yes, sir.
 11 Q. And it was not enforced in May of 2007, correct?
 12 MR. CHANEY: Objection, form.
 13 MR. RUIZ: You can answer.
 14 Q. (By Mr. Ruiz) Was it or was it not enforced?
 15 A. It was not enforced.
 16 Q. Okay. And the booking medical sheet, there was
 17 also a verbal directive by Captain Walinsky --
 18 A. Walinsky.
 19 Q. -- to the police officers?
 20 A. Yes, sir.
 21 Q. To complete and answer the questions on this
 22 medical booking sheet, correct?
 23 A. That's correct.
 24 Q. In May of 2007?
 25 A. Yes, sir.

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1 Q. But it was not enforced in May of 2007 correct?
 2 A. That's correct.
 3 Q. And so both the requirements as to the jailers to
 4 complete the medical questionnaire on the back of the
 5 jail card --
 6 A. Uh-huh.
 7 Q. -- and the police officers' duty to complete the
 8 booking medical sheet at the time of booking and arrest,
 9 was not enforced until after Maricela Trevino hung
 10 herself at the Weslaco jail?
 11 MR. CHANEY: Objection, form.
 12 Q. (By Mr. Ruiz) Is that correct?
 13 A. That's -- yeah, it was put on the -- it was
 14 revised. The policy manual was revised.
 15 Q. So --
 16 A. It's supposed to be enforced and it's supposed to
 17 be enforced, and I understand that it needs to be
 18 enforced.
 19 Q. Okay.
 20 A. I can't answer as to why they didn't fill it out
 21 or maybe Captain Walinsky might be more than -- to be
 22 able to answer why they didn't fill it out, or even the
 23 jailer himself.
 24 Q. Okay. So the jailer on May 13th who did not
 25 completely fill out the jail card, he violated the

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1 verbal directive to complete that medical questionnaire
2 on the back of that jail card?

3 A. Yes, sir.

4 Q. Is that correct?

5 A. Yes, sir.

6 Q. Okay. The police officers who arrested and who
7 took Maricela Trevino to booking on May 13th of '07
8 violated the verbal directive by not completing the
9 booking medical sheet --

10 A. Yes, sir.

11 Q. -- on May 13th, is that correct?

12 A. They can -- they're the only ones that can -- can
13 answer that because of the fact that my understanding
14 that at the time that it happened that she -- it was
15 quick, it was other people being booked, and there was
16 not time to fill out -- and the agreement was -- I mean,
17 as soon as possible you need to fill it out.

18 Now, if it's a person that is needing to be
19 sectioned, then that takes priority to anything else.
20 Now, if she's been in and out, and has never been
21 detected. And mom calls, mom doesn't say that she is
22 mentally ill, boyfriend calls and doesn't say she's
23 mentally ill, we have no assessment has -- has ever been
24 noted that she is mentally ill, then -- and if it's full
25 and we have over people being arrested, she's placed in

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1 the women's cell.

2 And she's under arrest, she is placed under
3 arrest on the violation, but then they bring her back
4 out after everything cools down, and they put prisoners
5 in there, and then finish off with the questions that
6 they have.

7 Now, if that was the case that happened, then I
8 can understand why this -- this reports weren't filled.

9 Q. Okay.

10 A. Because they saw -- I think it was 15 minutes we
11 have where they're watching, and dispatch notices
12 her -- can't see her in the -- in the camera, and that's
13 a flag that says, you know, somebody needs to check on
14 her.

15 And then the jailer goes to check, and sees the
16 legs, and that's when he opened the door. So it's -- I
17 can understand whether -- why, perhaps, those forms
18 weren't filled out, it's because she was out of there.

19 Q. Okay.

20 A. She was gone. They didn't have time to ask those
21 questions. If we look at her prior bookings and
22 see -- that's the only thing that I can tell you.

23 Q. Okay.

24 A. Other than that, you'd have to talk to the
25 officer himself or the jailer.

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1 Q. And my question to you, Chief, was about this
2 May 13th booking medical sheet.

3 A. Uh-huh, yeah.

4 Q. On May 13th, the police officers who were
5 responsible for arresting Maricela Trevino and taking
6 her to the -- to booking, okay?

7 A. Uh-huh.

8 Q. They violated the verbal directive of --

9 A. Yes, sir.

10 Q. -- Captain Walinsky --

11 A. Yes, sir.

12 Q. -- that required that they completely fill this
13 out? Is that a yes?

14 A. Yes, sir.

15 Q. Okay.

16 MR. RUIZ: And can we take a quick break,
17 since I just got done with this exhibit, Mr. Chaney?

18 MR. CHANEY: Sure, no problem.

19 THE VIDEOGRAPHER: We're off the record at
20 12:05 p.m.

21 (Break was taken at 12:03 p.m. - 12:23 p.m.)

22 THE VIDEOGRAPHER: We are back on the record
23 at 12:27 p.m.

24 Q. (By Mr. Ruiz) Chief Martinez, we're back from a
25 quick break, we were talking about the arrest of

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1 Maricela Trevino on February -- I mean, on May 13th of
2 2007, that was Exhibit No. 6 that we just finished
3 reviewing, is that correct?

4 A. (Witness nods head.)

5 (Plaintiff's Exhibit No. 7 marked.)

6 Q. (By Mr. Ruiz) I'm going to hand you
7 Exhibit No. 7?

8 A. Which my understanding is prior arrests?

9 Q. Exhibit No. 7, I believe, is also an arrest.

10 A. Prior arrests?

11 Q. What -- I don't know what you mean.

12 A. Prior.

13 MR. CHANEY: Prior to the date of the --

14 A. Before.

15 Q. Oh, yes, yes, prior to that, right.

16 A. Okay.

17 Q. Absolutely.

18 A. Yeah, okay.

19 Q. And there are arrest reports for the 13th, the
20 15th and the 17th, and I want to -- I'm going to discuss
21 those three with you.

22 A. Oh, okay.

23 Q. We just got done with the first one.

24 A. Okay.

25 Q. I'll give you an opportunity to review it.

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1 A. Okay. All right, sir.
 2 Q. Chief Martinez, Exhibit No. 7 consist of 12
 3 pages, is that correct? Did you have an opportunity to
 4 count them?
 5 A. Yes, sir.
 6 Q. And the -- and just for purposes of -- for
 7 reference purposes, I'm going to read out the Bate stamp
 8 numbers at the bottom --
 9 A. Uh-huh.
 10 Q. -- that comprise or that make up Exhibit No. 7.
 11 It was Bate stamp No. 449, Bate stamp No. 93 --
 12 A. Uh-huh.
 13 Q. -- Bate stamp No. 94, 95, 96, 97, 291, 345, 346,
 14 456, 457 and 458?
 15 A. Uh-huh.
 16 Q. Is that correct?
 17 A. Yes, sir.
 18 Q. Okay. The first page of Exhibit No. 7 shows that
 19 it -- there has been an arrest, correct?
 20 A. (Witness nods head.)
 21 Q. And that arrest took place on May 15th, 2007,
 22 correct?
 23 A. Yes, sir.
 24 Q. And this police report, the first page, I think
 25 what you told me the last time was generated at the

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1 communications department?
 2 A. Uh-huh.
 3 Q. Is that correct?
 4 A. Yes, sir.
 5 Q. Okay. And it identifies the dispatcher and
 6 officers at the bottom of the first page?
 7 A. Yes, sir.
 8 Q. Is that correct?
 9 A. Yes, sir.
 10 Q. And the dispatcher on this call was Lydia Olalde?
 11 A. Yes, sir.
 12 Q. Albert Ponce was the officer?
 13 A. Yes, sir.
 14 Q. Gabriel Coronado? Was he an officer --
 15 A. An officer.
 16 Q. -- or dispatcher, sir?
 17 A. An officer.
 18 Q. And then we see Lydia Olalde's name again?
 19 A. Yes, sir.
 20 Q. Okay. So would it be fair to say that Lydia
 21 Olalde inputted the information that is in this note
 22 section --
 23 A. Yes, sir.
 24 Q. -- on the first page of Exhibit 7?
 25 A. Yes, sir.

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1 Q. Okay. The second page of Exhibit No. 7 is a
 2 Weslaco Police Department document, and it shows the
 3 number at the top of 2007, 01-0492.
 4 A. Yes, sir.
 5 Q. Did I read that correctly?
 6 A. Yes, sir.
 7 Q. And that's consistent with the number -- the
 8 incident number on the first page?
 9 A. That's correct.
 10 Q. Okay. And the offender in this -- as shown in
 11 this page is Ms. Maricela Trevino?
 12 A. Yes, sir.
 13 Q. Is that correct?
 14 A. Yes, sir.
 15 Q. Okay. The third page is also shows the -- the
 16 same incident number, right, 2007?
 17 A. Yes, sir.
 18 Q. 010492?
 19 A. Yes, sir.
 20 Q. A quick question, Chief, when you said -- when
 21 you testified earlier that the police officer can input
 22 some of -- some of the information that's required for
 23 his report and the booking officer or the jail or
 24 detention officer can also do that from his computer --
 25 A. Right.

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1 Q. -- the dispatcher can also do it from her
 2 computer, correct?
 3 A. Yes, sir.
 4 Q. Can they all share the information?
 5 A. No. They have the -- once it's input -- whatever
 6 is inputted by the jailer, that's done.
 7 Q. Okay.
 8 A. What they do is they -- they put in the incident
 9 number --
 10 Q. Uh-huh.
 11 A. -- and it kicks it up, and then it has a -- a
 12 portion there for the -- for the report.
 13 Q. Okay.
 14 A. Which is the officer's report.
 15 Q. Right.
 16 A. Okay. And then the dispatch. So they all tie in
 17 but nobody sees the officer report except the officer --
 18 Q. Okay.
 19 A. -- and the investigating officer --
 20 Q. Okay.
 21 A. -- that's going to investigate.
 22 Once the information that the jailer inputs,
 23 that's -- that's it. He cannot bring it back and
 24 up -- back it up again. He inputs it then, and it stays
 25 in the computer, and then it goes to the officer, and

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1 then the officer to the investigating officer.

2 And then the -- the communications people, would
3 enter their portion of the -- of the incident --

4 Q. Okay.

5 A. -- based on the incident number.

6 Q. And Chief Martinez, would the book -- would the
7 jailer or detention officer have access, or would he be
8 able to access this first sheet from his booking area?

9 A. No, sir.

10 Q. Okay. Would he be able to access the police
11 officer's report from his booking area?

12 A. No, sir.

13 Q. Okay. How about the dispatcher?

14 A. No, sir.

15 Q. Okay. Is -- okay, all right. So the 4th page in
16 this Exhibit No. 7 is a narrative by the police officer,
17 correct?

18 A. Yes, sir.

19 Q. And I think there's a duplicate -- or no, it's a
20 different number, Page 4.

21 A. Yes, sir.

22 Q. But it's the same thing as contained --

23 A. Uh-huh.

24 Q. -- in Page 3?

25 A. Uh-huh.

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1 Q. The fifth page is the report by --

2 A. The investigator.

3 Q. Carlos Coronado?

4 A. Yes, sir.

5 Q. Okay. The sixth page is the booking medical
6 sheet?

7 A. Yes, sir.

8 Q. Is that correct?

9 A. Yes, sir.

10 Q. And that booking medical sheet is for -- dated
11 May 15th of 2007?

12 A. Uh-huh.

13 Q. Is that correct?

14 A. Yes, sir.

15 Q. And it pertains?

16 A. At 6:30.

17 Q. At 6:30?

18 A. Uh-huh.

19 Q. And it pertains to Maricela Trevino?

20 A. Yes, sir.

21 Q. And this booking medical sheet that has the
22 questions of the visual assessment --

23 A. Uh-huh.

24 Q. -- and the medical questions --

25 A. Uh-huh.

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1 Q. -- is not completed, correct?

2 A. That's correct.

3 Q. Would you agree with me that none of the
4 questions, 1 through 22, were answered by the police
5 officer who arrested her and delivered her to the
6 booking department, is that correct?

7 A. Either/or, the officer or the jailer.

8 Q. Jailer. So -- and in May -- on May 15th of '07,
9 there was a verbal directive that the police officer or
10 the jailer answer these questions set out in this
11 booking medical sheet?

12 A. Yeah. Well, it's -- yeah. On the assessment,
13 they should answer this question, they didn't.

14 Q. Okay. And since they didn't, they violated the
15 verbal directives of Captain Walinsky?

16 A. Yes, sir. Yes.

17 Q. And yourself as chief of police?

18 A. Yes, sir. Well, if they did or didn't, I don't
19 know whether they asked the questions or not. They
20 might have asked questions.

21 Q. Well, it's not --

22 A. Only they can answer that.

23 Q. It's not documented? We can say that, right?
24 The answers are not documented?

25 A. It's not documented, no.

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1 Q. And the directive was that they document the
2 answers --

3 A. Yes, sir.

4 Q. -- of the person arrested, correct?

5 A. Right.

6 Q. In May of '07?

7 A. Right, uh-huh.

8 Q. And just to be sure, they violated -- the
9 jailer -- the jailer on duty on May 15th of '07 at 6:30
10 and the police officer violated that verbal directive?

11 A. Uh-huh.

12 Q. Is that correct?

13 A. That's correct.

14 Q. The following page is also the -- that's Bate
15 stamp number 345, that's the Weslaco Police Department
16 jail card?

17 A. Uh-huh.

18 Q. Is that correct?

19 A. That's correct.

20 Q. And it shows that -- and we're looking at the
21 bottom card.

22 A. Uh-huh.

23 Q. I think they copied two cards on one -- at one
24 time, so the bottom card is the one that shows -- you
25 see the date of arrest May 15th of '07?

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<p>1 A. Yeah, but you have -- you have 07-10639 --</p> <p>2 Q. Right.</p> <p>3 A. -- which is the case number, and then you have</p> <p>4 another case number at the bottom of 07-10492.</p> <p>5 Q. And the bottom one is the one that corresponds</p> <p>6 with our arrest on the first page, is that correct?</p> <p>7 A. 5/15 of '07 -- no, this is 5/17 of '07.</p> <p>8 Q. Right. I'm directing your attention to the</p> <p>9 bottom card.</p> <p>10 A. That's what I'm looking at. It says date of</p> <p>11 release -- okay. Date of release, okay, is 5-15-07,</p> <p>12 yes, sir.</p> <p>13 Q. Date of arrest?</p> <p>14 A. Date of arrest is 5-15-07.</p> <p>15 Q. And that case number --</p> <p>16 A. Yes, sir.</p> <p>17 Q. -- on that jail card --</p> <p>18 A. Is the same.</p> <p>19 Q. -- is the same as the incident number card --</p> <p>20 A. Yes, sir. Yes, sir.</p> <p>21 Q. -- on the first page of exhibit --</p> <p>22 A. Yes, sir.</p> <p>23 Q. All right. You see the -- and we identify the</p> <p>24 book -- the arresting officer as Albert Ponce?</p> <p>25 A. Yes, sir.</p>	<p>1 Q. -- by not completing any of that medical</p> <p>2 questionnaire, is that correct?</p> <p>3 A. That's correct.</p> <p>4 Q. I think the next are some duplicates?</p> <p>5 A. Duplicates, yes, sir.</p> <p>6 Q. And I think I've answered -- I think you've</p> <p>7 answered all the questions concerning this arrest.</p> <p>8 A. Yes, sir.</p> <p>9 Q. Thank you.</p> <p>10 MR. CHANEY: Is it okay if I staple them all</p> <p>11 together?</p> <p>12 MR. RUIZ: Yeah, that's okay. Yes, sir. Is</p> <p>13 that your stapler? That's a cool stapler.</p> <p>14 (Plaintiff's Exhibit No. 8 marked.)</p> <p>15 Q. (By Mr. Ruiz) I'm going to hand you</p> <p>16 Exhibit No. 8.</p> <p>17 A. Okay.</p> <p>18 Q. This one has a staple on it, but we'll keep them</p> <p>19 all together, we'll leave the numbers out.</p> <p>20 Let me know when you're -- when you're done,</p> <p>21 Chief, okay?</p> <p>22 A. Uh-huh. I'm ready.</p> <p>23 Q. Okay.</p> <p>24 A. This report -- uh-huh.</p> <p>25 Q. Chief, what is -- Chief Martinez, what is</p>
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<p>1 Q. And the booking officer, we can't tell who</p> <p>2 that -- who that is, right?</p> <p>3 A. I can't.</p> <p>4 Q. J-4 is their designation?</p> <p>5 A. J-4, that's going to be -- if you look back over</p> <p>6 here it'll tell you. No, I can't.</p> <p>7 Q. Okay.</p> <p>8 A. I can't answer that.</p> <p>9 Q. And if you -- if I can direct your attention to</p> <p>10 the following page, which is 346?</p> <p>11 A. Uh-huh.</p> <p>12 Q. I believe it's a copy of the back part.</p> <p>13 A. Of the back part, uh-huh.</p> <p>14 Q. Okay. And this is the medical questionnaire</p> <p>15 form.</p> <p>16 A. Uh-huh.</p> <p>17 Q. And let me ask you this, is any of that medical</p> <p>18 questionnaire filled out?</p> <p>19 A. No, sir.</p> <p>20 Q. Okay. And the jailer, the jailer J-4 on May 15th</p> <p>21 of '07 also violated the directive -- the verbal</p> <p>22 directives of Captain Walinsky --</p> <p>23 A. Yes, sir.</p> <p>24 Q. -- and yourself --</p> <p>25 A. Yes, sir.</p>	<p>1 Exhibit No. 8?</p> <p>2 A. That's the day of the arrest that booking -- it's</p> <p>3 got the booking -- the booking sheet.</p> <p>4 Q. Okay.</p> <p>5 A. The officer's reports, the offense report,</p> <p>6 offense report two, which is pretty much the same thing</p> <p>7 as offense report one, and then the incident --</p> <p>8 reporting of the incident that was going on, and office</p> <p>9 reports. It's just office reports and the arrest.</p> <p>10 Q. Okay.</p> <p>11 A. Of Maricela Trevino.</p> <p>12 Q. Maricela Trevino, okay. And I counted 15 pages,</p> <p>13 Chief.</p> <p>14 A. Yes, sir.</p> <p>15 Q. Just to make sure we're on the same page.</p> <p>16 A. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,</p> <p>17 15, yes, sir.</p> <p>18 Q. 15. And just to be clear, the 15 pages, the Bate</p> <p>19 stamp numbers are 87, 88 --</p> <p>20 A. Uh-huh.</p> <p>21 Q. -- 89, 90, 91, 92, 290 --</p> <p>22 A. Uh-huh.</p> <p>23 Q. -- 345, 346, 432 --</p> <p>24 A. Okay.</p> <p>25 Q. -- 433 --</p>

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<p style="text-align: right;">Page 174</p> <p>1 A. Uh-huh.</p> <p>2 Q. -- 434, 451, 452 and 447?</p> <p>3 A. That's correct.</p> <p>4 Q. Is that correct?</p> <p>5 A. That's correct.</p> <p>6 Q. Okay. And like you -- like you said earlier,</p> <p>7 this pertains to the arrest of Maricela Trevino at</p> <p>8 approximately --</p> <p>9 A. 19:40.</p> <p>10 Q. 19:40, which would be 7:40 in the p.m.?</p> <p>11 A. The call was -- was made at 19:40.</p> <p>12 Q. Okay.</p> <p>13 A. And then dispatch was 19:41, a minute later of</p> <p>14 the call.</p> <p>15 Q. That's 7:41, right?</p> <p>16 A. Yeah.</p> <p>17 Q. p.m.?</p> <p>18 A. And the officer arrived there at 19:44 and he</p> <p>19 completed it at 20:10.</p> <p>20 Q. And by completion, what does that mean?</p> <p>21 A. The arrest and all.</p> <p>22 Q. Oh, the arrest?</p> <p>23 A. Uh-huh.</p> <p>24 Q. Okay. He arrested her at approximately</p> <p>25 8:10 p.m., according to the first page?</p>	<p style="text-align: right;">Page 176</p> <p>1 those -- those kinds.</p> <p>2 Q. Do you know of the circumstances with respect to</p> <p>3 the offense of criminal trespass that would warrant an</p> <p>4 individual to be arrested and incarcerated for a Class C</p> <p>5 misdemeanor?</p> <p>6 A. It's -- it's an officer's discretion.</p> <p>7 Q. Okay.</p> <p>8 A. So and then he needs to follow-up with</p> <p>9 the -- with the officer's report, and that report is</p> <p>10 sent up to the DA's office who will -- or the</p> <p>11 investigator's, and they'll -- they'll either go along</p> <p>12 with the arrest, or it gets dismissed, one way or the</p> <p>13 other.</p> <p>14 Q. And Chief Martinez, are you aware of any state</p> <p>15 law that allows an arrest for a Class C misdemeanor for</p> <p>16 the offense of criminal trespass?</p> <p>17 A. Not if you have substantial evidence that, you</p> <p>18 know, there was -- like in her case, she jumped the</p> <p>19 fence, the fence was closed. I mean, that was -- she</p> <p>20 jumped the fence. It wasn't open where you can just</p> <p>21 walk in.</p> <p>22 Q. Okay.</p> <p>23 A. She jumped the fence, and then I think she was</p> <p>24 inside -- or by the church, or inside the church or</p> <p>25 something.</p>
<p style="text-align: right;">Page 175</p> <p>1 A. Yes, sir.</p> <p>2 Q. Okay. And -- and we see that the offender is</p> <p>3 Maricela Trevino, right?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And the offense is for criminal trespass?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Do you see this section right here, where it says</p> <p>8 ATT and then comp and then there's a C?</p> <p>9 A. Uh-huh.</p> <p>10 Q. What does that stand for, sir? What does that</p> <p>11 mean?</p> <p>12 A. I can't answer that.</p> <p>13 Q. Okay.</p> <p>14 A. I don't know.</p> <p>15 Q. All right.</p> <p>16 A. It's probably something on the computer for the</p> <p>17 investigator or -- I can't answer that.</p> <p>18 Q. All right. And what type of a crime is criminal</p> <p>19 trespass? What classification?</p> <p>20 A. It's a Class C misdemeanor.</p> <p>21 Q. Class C misdemeanor. And am I correct in stating</p> <p>22 that Class C misdemeanors are not jailable offenses?</p> <p>23 A. Well, it depends on the circumstance.</p> <p>24 Q. Okay. And under what circumstances are they --</p> <p>25 A. Speeding, you know, running stop sign, no DL,</p>	<p style="text-align: right;">Page 177</p> <p>1 Q. So the fact that the fence was closed --</p> <p>2 MR. CHANEY: Can I look at it for a moment?</p> <p>3 THE WITNESS: Sure.</p> <p>4 Q. (By Mr. Ruiz) The fact that the fence was closed</p> <p>5 is what allows a police officer to arrest her for this</p> <p>6 offense of criminal trespass?</p> <p>7 A. Yeah.</p> <p>8 Q. And if the fence would have been open, that would</p> <p>9 not have warranted an arrest, even though she was -- she</p> <p>10 would have been inside the premises?</p> <p>11 A. Again, it depends on -- it depends on the -- what</p> <p>12 was found at the incident, what was found at the area,</p> <p>13 what -- depending on -- it's the officer's judgment.</p> <p>14 Q. Okay. So on -- on May 17th, 2007, there was</p> <p>15 nothing written in black letter law that required the</p> <p>16 officer, in this case Officer Ponce, to arrest and jail</p> <p>17 Maricela Trevino, is that correct?</p> <p>18 A. Statute?</p> <p>19 Q. Right.</p> <p>20 A. There's a statute.</p> <p>21 Q. Right. But did that statute authorize her</p> <p>22 incarceration? Because as this -- you testified this is</p> <p>23 a Class C misdemeanor.</p> <p>24 A. Uh-huh.</p> <p>25 Q. And when I read the -- the Criminal Code, a</p>

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1 Class C misdemeanor is a non-jailable offense, is that
2 correct?

3 A. Not necessarily.

4 Q. Okay.

5 A. I mean, you have -- you can arrest for not even
6 having driver's license.

7 Q. Okay. I understand that but --

8 A. That's a Class C misdemeanor.

9 Q. But you said it was up to the discretion of the
10 police officer?

11 A. And I also stated that it depended on what it was
12 that was done.

13 Q. Right.

14 A. You're taking into consideration all of that,
15 then the officer makes the call whether he arrests or he
16 doesn't arrest.

17 Q. Okay. So if -- if maybe a different officer on
18 May 17th could have had the discretion to make a
19 different call and not arrest her, would that be
20 correct?

21 MR. CHANEY: Objection, form.

22 A. That's correct.

23 Q. (By Mr. Ruiz) So -- and is there a Weslaco Police
24 Department policy that gave that officer on May 17th the
25 discretion to go ahead and arrest Ms. Trevino and

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1 incarcerate her for a Class C misdemeanor offense?

2 A. Yeah, there's a policy.

3 Q. Okay. Where would I see that policy, Chief
4 Martinez?

5 A. You would have to go to the general order manual,
6 and under arrests --

7 Q. Okay. And do you know the number?

8 A. No, sir. It's a big about yay big. (Witness
9 indicating.)

10 Q. Okay. And just so that I can ask for the right
11 section and parts, could you tell me how -- what is that
12 big book?

13 A. Falls under the -- it's general order.

14 Q. General order?

15 A. Uh-huh, general orders, and it's under -- under
16 arrests.

17 Q. And that's where it's written that a police
18 officer has the discretion to arrest someone for a
19 Class C --

20 A. For a criminal offense.

21 Q. Okay. Well, I'm talking about --

22 A. Well, a Class C is a criminal offense.

23 Q. Okay. It's a criminal offense?

24 A. Yes, sir.

25 Q. But it's non-jailable criminal offense?

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1 A. Well, it's a jailable or non-jailable, depends on
2 the discretion of the officer.

3 Q. Okay.

4 A. Depending on the situation.

5 Q. And that's what I want to know. Does that policy
6 in the General Orders, does it say, under these
7 situations, the Class C misdemeanor for criminal
8 trespass is jailable, and under these circumstances the
9 Class C misdemeanor criminal trespass offense is not
10 jailable?

11 A. You're not going to find that in any -- not even
12 in the Penal Code.

13 Q. Okay. And that's why I'm asking because I'm not
14 an officer.

15 A. You're an attorney, you should know.

16 Q. Well, I -- I try to do more civil work.

17 A. Yeah.

18 Q. But -- okay. And I was just wondering what to
19 ask for.

20 A. Yeah.

21 Q. Because I wanted to know if there's -- if there's
22 something -- if there's a Weslaco policy. Because
23 remember what you told me, you told me about the
24 requirements for the jailers and the police officers,
25 that it -- you have to follow the rules, right? I'm

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1 just trying to find out what rules they had -- were in
2 place on May 17th to find out what they did, okay?

3 That's all I'm trying to --

4 A. But the authority to arrest comes from the State
5 of Texas.

6 Q. Okay. And --

7 A. Not the -- not the City of Weslaco.

8 Q. Okay. And the -- from the State of Texas, you
9 would have to look at the state law in order to find
10 out --

11 A. The statute.

12 Q. The statute?

13 A. Uh-huh.

14 Q. Whether criminal -- the offense of criminal
15 trespass under the facts on May 17th, 2007 allowed a
16 police officer to arrest or incarcerate Maricela
17 Trevino, is that correct?

18 A. That's correct.

19 Q. Okay. And if the state law does not allow for
20 the incarceration of a Class C misdemeanor --

21 MR. CHANEY: Do you mind if I -- we -- I'm
22 confused. Are you saying a police officer can't arrest
23 someone for a Class C misdemeanor? Or that they can't
24 be sentenced for jail time when they're convicted?

25 MR. RUIZ: Well, I want to know --

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1 MR. CHANEY: There's a big difference.
 2 MR. RUIZ: I asked if it was a jailable
 3 offense.
 4 MR. CHANEY: Right.
 5 MR. RUIZ: That's was my original question,
 6 which if they're -- can we go off the record?
 7 MR. CHANEY: I guess, sure.
 8 THE VIDEOGRAPHER: We're off the record at
 9 12:52 p.m.
 10 (Discussion off the record.)
 11 THE VIDEOGRAPHER: We're back on at
 12 12:53 p.m.
 13 Q. (By Mr. Ruiz) Chief Martinez, do we know if --
 14 for purposes of punishment, okay, if someone commits a
 15 Class C misdemeanor offense, can a judge punish them
 16 under a state law to jail time?
 17 MR. CHANEY: Objection, form.
 18 A. The judge makes that call. We don't -- she's the
 19 judge.
 20 Q. (By Mr. Ruiz) Okay.
 21 A. She can dismiss it if she wants to.
 22 Q. Let's look at Exhibit No. 8. The second -- the
 23 second page of Exhibit No. 8 shows the -- the case
 24 number on top?
 25 A. Incident number.

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1 Q. Right, the incident number which is 10639.
 2 A. I don't have that, I think -- oh, yeah.
 3 Q. The third page is the report by Officer Albert
 4 Ponce.
 5 A. Uh-huh.
 6 Q. That's No. 89.
 7 A. Uh-huh. That's repeat.
 8 Q. That's a repeat on Page 90, right?
 9 A. Uh-huh.
 10 Q. And that's a continuation on Page 91?
 11 A. Yes, sir.
 12 Q. And then we have Page 92, which is the report by
 13 Aldino Flores?
 14 A. Yes, sir.
 15 Q. And then we have the booking medical sheet for
 16 5/17/07.
 17 A. Uh-huh.
 18 Q. Do you see that, sir?
 19 A. Yes, sir.
 20 Q. And what is the time that is shown on that
 21 booking medical sheet?
 22 A. 20:25.
 23 Q. Which would be around approximately 8:25?
 24 A. 8:25.
 25 Q. Okay. And this medical booking sheet, it does

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1 show a different number from the incident number, right?
 2 Do you notice that?
 3 A. 39 and 25, yeah.
 4 Q. Right. Do you know why that would -- why that
 5 is?
 6 A. I have no idea.
 7 Q. Okay. And it does have information pertaining to
 8 Ms. Trevino?
 9 A. Uh-huh.
 10 Q. Like her address?
 11 A. Uh-huh.
 12 Q. And her date of birth?
 13 A. Right.
 14 Q. This booking medical sheet is partially filled
 15 out, correct?
 16 A. Yes, sir.
 17 Q. And if we look at the remainder of it, the visual
 18 assessment --
 19 A. Uh-huh.
 20 Q. -- and the medical question segments of this
 21 booking medical sheet, it is not complete, correct?
 22 A. That's correct.
 23 Q. And since it was not completed, officer -- which
 24 officer had the responsibility to ask these questions to
 25 the -- to Ms. Trevino and to document her answers?

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1 A. Either/or, either the officer -- arresting
 2 officer or the jailer.
 3 Q. Okay. And since we don't have any documented
 4 answers, would the arresting officer, Albert Ponce,
 5 would he have been in violation of the -- of Captain
 6 Walinsky's and your verbal directive that they entirely
 7 complete these booking medical sheets?
 8 A. Yes, sir.
 9 Q. Okay. And the jailer, I believe his name is
 10 Alfredo Moreno, he was the jailer on duty that evening
 11 of May 17th, was he also in violation of your directive
 12 and Captain Walinsky's directive --
 13 A. Yes, sir.
 14 Q. -- to completely fill out the medical -- the
 15 booking medical sheet that we're looking at?
 16 A. Yes, sir.
 17 Q. The next page we have, which is Page 345 Bate
 18 stamp number --
 19 A. Uh-huh.
 20 Q. -- we have -- oh, the top jail card is the jail
 21 card for May 17th of '07, correct?
 22 A. Yes, sir.
 23 Q. And at the top we see the case No. 0710639?
 24 A. Yes, sir.
 25 Q. And that's consistent with the first page, right?

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<p style="text-align: right;">Page 186</p> <p>1 A. Yes, it is.</p> <p>2 Q. And if we go to the second page, which would be</p> <p>3 the back, we see the medical questionnaire that's on the</p> <p>4 back side of that jail card?</p> <p>5 A. Right.</p> <p>6 Q. Is that correct?</p> <p>7 A. Yes, sir. We see -- we see the -- again,</p> <p>8 it's -- it's a -- it's the back of a jail card, I can't</p> <p>9 tell you that it's the back that belongs to this jail</p> <p>10 card.</p> <p>11 Q. Right. And I don't know either, but I will</p> <p>12 represent to you that they -- your attorneys produced it</p> <p>13 in this order.</p> <p>14 A. Okay.</p> <p>15 Q. You see the first -- the first page was 345, and</p> <p>16 then right afterwards it's Bate stamp No. 346.</p> <p>17 A. 346, okay.</p> <p>18 Q. I'm assuming it is the back part. Then the</p> <p>19 jailer on May 17th of '07, Jailer Moreno, did not</p> <p>20 complete any of that card out, is that correct?</p> <p>21 A. Yeah, this card.</p> <p>22 Q. Right of this card, right?</p> <p>23 A. Yeah. Okay.</p> <p>24 Q. And --</p> <p>25 A. Or any of the other cards.</p>	<p style="text-align: right;">Page 188</p> <p>1 Q. What page are you looking at, sir?</p> <p>2 A. I'm looking at 0432.</p> <p>3 Q. Okay.</p> <p>4 A. So it's a county court case, so it's a Class B.</p> <p>5 It's like a DWI, like a --</p> <p>6 Q. Okay.</p> <p>7 A. Yeah.</p> <p>8 Q. But there is an inconsistency between this report</p> <p>9 that he filled out and the first page of the Exhibit A,</p> <p>10 right, the number?</p> <p>11 MR. CHANEY: Objection, form.</p> <p>12 Q. (By Mr. Ruiz) The police officer report number?</p> <p>13 A. Which one are you looking at?</p> <p>14 Q. Well, if you're saying that on 432 the criminal</p> <p>15 trespass -- the offense of criminal trespass becomes a</p> <p>16 Class B?</p> <p>17 A. Yeah, that's what he filed, a Class B</p> <p>18 misdemeanor.</p> <p>19 Q. That means it was going to be considered by a</p> <p>20 judge and possibly --</p> <p>21 A. County court.</p> <p>22 Q. -- a jury in county court at law, correct?</p> <p>23 A. That's correct. That's correct.</p> <p>24 Q. Okay.</p> <p>25 MR. CHANEY: It says here it's a Class B.</p>
<p style="text-align: right;">Page 187</p> <p>1 Q. And Jailer Moreno would have been in violation on</p> <p>2 May 17th, 2007 of Captain Walinsky and your directive to</p> <p>3 completely document and fill out these medical</p> <p>4 questionnaires?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Is that a yes?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Thank you, sir. The remainder of Exhibit No. 8</p> <p>9 are some more offense reports?</p> <p>10 A. Uh-huh.</p> <p>11 Q. Okay. And I think I'm -- I think I've asked you</p> <p>12 all the questions I wanted to ask you on this exhibit,</p> <p>13 Chief.</p> <p>14 A. Okay. He did go to -- he did go -- charge</p> <p>15 criminal trespass in court county. So he did go to</p> <p>16 class B misdemeanor instead of C.</p> <p>17 Q. What day was that?</p> <p>18 A. That's the same arrest. But see, you asked the</p> <p>19 offense for criminal trespassing is a C, unless it's</p> <p>20 upgraded to a B because of the jumping the fence and</p> <p>21 breaking and entering, stuff like that.</p> <p>22 Q. Okay.</p> <p>23 A. So it was -- and he did -- looking at this -- his</p> <p>24 report, he did file the charge criminal trespass and he</p> <p>25 made it a county, so it's a Class B.</p>	<p style="text-align: right;">Page 189</p> <p>1 THE WITNESS: Uh-huh.</p> <p>2 MR. CHANEY: Or Class C, it can even be a</p> <p>3 Class A it looks like.</p> <p>4 THE WITNESS: And again, it's depending on</p> <p>5 the circumstances.</p> <p>6 Q. (By Mr. Ruiz) Chief Martinez, were you</p> <p>7 responsible for the training that the jailers received</p> <p>8 during your tenure as police chief?</p> <p>9 A. I was responsible to give the instruct -- to make</p> <p>10 sure that they get the training, and that it was passed</p> <p>11 down to Captain Walinsky.</p> <p>12 Q. Okay. So who would actually make -- or who would</p> <p>13 actually ensure that --</p> <p>14 A. Captain Walinsky.</p> <p>15 Q. -- that the jailers would get their training?</p> <p>16 A. Captain Walinsky.</p> <p>17 Q. Okay. Do you know how often the jailers would be</p> <p>18 sent to training?</p> <p>19 A. No, it was all in-house.</p> <p>20 Q. Okay.</p> <p>21 A. It was in-house, all in-house, and by officers</p> <p>22 going over by Captain Walinsky.</p> <p>23 Q. Do you know who were the instructors, the</p> <p>24 in-house instructors for purposes of training the</p> <p>25 jailers?</p>

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1 A. It could have been Lieutenant Kelly.
 2 Q. Kelly?
 3 A. Kelly, K-E-L-L-Y.
 4 Q. Okay.
 5 A. And Captain Walinsky also going over policy and
 6 procedure and training.
 7 Q. Any other police officer?
 8 A. I don't believe so.
 9 Q. Okay. Did the dispatchers receive any training?
 10 A. The dispatchers receive training?
 11 Q. Yes.
 12 A. On dispatching, yeah.
 13 Q. On dispatching? And would those also --
 14 A. Had to be certified by TCLEOSE.
 15 Q. And the dispatchers that you hired were certified
 16 by TCLEOSE?
 17 A. When they -- when they're first hired, we can
 18 hire an uncertified, but then within the first year they
 19 have to go and get certified. It's a 40-hour course,
 20 and it's at the DPS headquarters.
 21 Q. Like your jailers, did you have some dispatchers
 22 who were certify and some that were not in May of 2007?
 23 A. That's a possibility, yeah.
 24 Q. Okay.
 25 A. I would have to go look at their personnel files.

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1 Q. What was the maximum number of jailers that you
 2 would have -- that you had on any shift in May of 2007?
 3 A. One per shift.
 4 Q. One per shift? And the shift -- in May -- that's
 5 also true for May of 2007?
 6 A. Yes, sir.
 7 Q. And the shift lasts how long, sir?
 8 A. It should be eight hours, but sometimes
 9 they'll -- they would double up and go 12 hours.
 10 Q. Okay. And what are the shift times?
 11 A. It's like the regular police officers are 7:00 to
 12 11:00 and 11:00 to -- I mean, it's 7:00 to 3:00, 3:00 to
 13 11:00, 11:00 to 7:00.
 14 Q. So were any jailers sent to TCLEOSE training?
 15 A. Jailers to TCLEOSE training, no, sir.
 16 Q. That training was done in-house, if any?
 17 A. Yeah.
 18 Q. Okay. And dispatchers, however, for them to be
 19 certified, would have to get training from DPS, a
 20 40-hour course?
 21 A. That's all stipulated by state law.
 22 Q. Okay.
 23 A. The jailers are not detention officers, they're
 24 just civilian employees.
 25 Q. Okay.

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1 A. That you hire, and then they're bound by policy
 2 and procedure.
 3 Q. Okay. Now -- and during your time as chief from
 4 1997 through 2009, right?
 5 A. 2009.
 6 Q. Did you take any specialized course on jail
 7 administration?
 8 A. Well, it's covered under -- it's covered under
 9 the leadership -- chief's leadership trainings.
 10 Q. Okay.
 11 A. They touch a little bit on it and everything.
 12 Q. And are those the Bill Blackwood --
 13 A. Yeah.
 14 Q. -- courses?
 15 A. Yes, sir.
 16 Q. And those are the only courses that
 17 address -- that address jail administration?
 18 A. Yes, sir.
 19 Q. That you took?
 20 A. Yes, sir.
 21 Q. Okay.
 22 MR. CHANEY: These are two -- he had two of
 23 these, and only one of them is stapled as Exhibit 8. Do
 24 you know -- do you have an extra or should that be
 25 stapled also?

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1 MR. RUIZ: What's the date? I think it
 2 should --
 3 MR. CHANEY: It's the same date, 5/17.
 4 MR. RUIZ: Oh, yeah, that should all be --
 5 THE WITNESS: They're duplicates.
 6 MR. CHANEY: They're duplicates?
 7 MR. RUIZ: Oh, yeah.
 8 THE WITNESS: Yeah, yeah.
 9 MR. RUIZ: But it should all be stapled.
 10 MR. CHANEY: Yeah, that's what I thought
 11 too.
 12 MR. RUIZ: Yeah.
 13 MR. CHANEY: Can we go off the record for a
 14 second?
 15 MR. RUIZ: Sure, yes, sir.
 16 THE VIDEOGRAPHER: We're off the record at
 17 1:06 p.m.
 18 (Discussion off the record.)
 19 THE VIDEOGRAPHER: We're back on at
 20 1:07 p.m.
 21 Q. (By Mr. Ruiz) Chief Martinez, what were the
 22 inmates supervision requirements in May of 2007?
 23 A. They need to do a -- a visual check on them every
 24 30 minutes -- yeah, every 30 minutes. They had to make
 25 sure they got fed, and then that the paperwork be ready

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1 for in the morning arraignment.

2 Q. Now, the visual check every 30 minutes, once
3 that -- when they completed that visual check every 30
4 minutes, were they required to log that information down
5 on a -- on a jail log?

6 A. I'm not sure if he -- if Captain Walinsky had
7 them log it down, but I know that they had to go and
8 look through the windows, and make a visual check of
9 the -- of everybody.

10 Q. Okay. And let me show you something.

11 A. Of course that's the side of the cameras, you
12 know. Now, if the dispatch would see something out of
13 the ordinary, then they would advise the jailer to go
14 prior to 30 minutes.

15 Q. Okay. And the -- the primary responsibility for
16 doing the --

17 A. Visual.

18 Q. Yeah, the inmate supervisions, who did that rest
19 with? Who was responsible? Was it the jailer or
20 dispatcher?

21 A. The jailer.

22 Q. The jailers, okay.

23 A. Yeah.

24 (Plaintiff's Exhibit No. 9 marked.)

25 Q. (By Mr. Ruiz) I'm going to hand you what's been

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1 marked as Exhibit No. 9.

2 A. Uh-huh. I can't make his writing.

3 Q. I can't complain, I think mine's worse than that.

4 A. Uh-huh.

5 Q. Now --

6 A. Yeah.

7 Q. Exhibit No. 9 is a jailer daily activity?

8 A. Yes, sir.

9 Q. Is this where -- is this the log where these
10 visual checks were required to be written down?

11 A. Yes.

12 MR. CHANEY: Objection, form.

13 Q. (By Mr. Ruiz) And so Weslaco -- Weslaco -- the
14 Weslaco Police Department in May of 2007 had a policy
15 that required the jailers, upon completion of their
16 visual check, every 30 minutes to come and log that
17 information on a jailer -- daily activity log, is that
18 correct?

19 A. I would have to look at the policy. I don't know
20 that it stated on there that they had to log it in, but
21 there is a jail activity sheet, then I would think yes.

22 Q. Okay. And if you look at the jailer daily
23 activity sheet from May 16th, '07 do you see that?

24 A. Yes, sir.

25 Q. And then you have the jailer initials and the

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1 time?

2 A. Yes, sir.

3 Q. And the incident, they seem to be written down
4 every 30 minutes?

5 A. Yes, sir.

6 Q. Okay. Do you know whether if there -- do you
7 know whether that policy was enforced, if that was a
8 requirement?

9 A. No, sir. Captain Walinsky might be able to.

10 Q. Okay. Well -- and whether it required -- it was
11 a requirement or not, we can see from this jailer daily
12 activity log on -- which is Exhibit No. 9, we see that
13 there's an -- log activity for May 16th of '07?

14 A. Yes, sir.

15 Q. Correct?

16 A. Yes, sir.

17 Q. And then there's log activity for May 18th?

18 A. 18th, yes, sir.

19 Q. Of 2007?

20 A. Yes, sir.

21 Q. And there is no log activity for the entire day
22 of May 17th, 2007, is that correct?

23 A. That's correct.

24 Q. Okay. As police chief of the Weslaco Police
25 Department, would you have wanted log activity

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1 documentation of log -- of jailer daily activity for
2 May 17th, 2007?

3 A. If there was --

4 MR. CHANEY: Objection, form.

5 A. If there was no inmate, then it's not necessary.

6 Q. (By Mr. Ruiz) Okay.

7 A. I think --

8 Q. But we --

9 A. The log was instituted so that when they have an
10 inmate, what was your -- that falls back to whether or
11 not they're -- they're taking care of the prisoners.

12 Q. Okay. And if -- do you remember when we looked
13 at one of the other exhibits of the 15th --

14 A. Yes, sir.

15 Q. -- that Ms. Trevino was incarcerated from the
16 15th and released on the 17th?

17 A. Okay.

18 Q. Do you remember that?

19 A. Yeah.

20 Q. Let me show you, Exhibit No. 7, it's Bate stamp
21 No. 456.

22 A. Uh-huh.

23 Q. I think we discussed the times.

24 A. Yeah. He might have gone off and then when she
25 gets arraigned first thing in the morning then she's

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1 released. There's no --

2 Q. Yeah, but I think what happened was that she was
3 in jail on the 15th, 16th and 17th and she was released
4 in the morning?

5 A. Uh-huh.

6 Q. And --

7 A. On the 17th -- the morning of the 17th?

8 Q. Yes, sir. Look at the time right there at the
9 bottom just because you have my copy.

10 A. Yeah.

11 Q. What time was she released?

12 A. At 10:15 a.m.

13 Q. a.m.

14 A. Uh-huh.

15 Q. And so she -- there was an inmate during the 17th
16 at the jail?

17 A. Uh-huh.

18 Q. So there should have been a daily -- jailer daily
19 log checking up on her at least from 12:00 a.m. to 10:00
20 o'clock in the morning?

21 MR. CHANEY: Objection, form.

22 A. But not by this -- but not by this officer. If
23 you look in the -- go and look at the jail logs, I don't
24 know if they looked at the incoming jailer that they may
25 have logged it in there log sheet.

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1 Q. (By Mr. Ruiz) But there's only one jailer per
2 shift you testified earlier?

3 A. Yes, yes.

4 Q. So would it be that the jailer during the
5 morning, during the hours from 12:00 a.m. to 10 o'clock
6 a.m. --

7 A. Uh-huh.

8 Q. -- should that jailer, should he have --

9 A. Yeah.

10 Q. Should he have logged in, and logged in May 17th,
11 '07 checked on inmate on this sheet?

12 MR. CHANEY: objection, form.

13 A. Sure.

14 Q. (By Mr. Ruiz) Is that a yes?

15 A. I would think so, yes.

16 Q. Okay. And so we really can't tell what the
17 morning jailer, what he did or who he monitored, would
18 you agree with that?

19 A. That's correct.

20 Q. And that also would be a violation of the rules
21 of Captain Walinsky and yourself?

22 MR. CHANEY: Objection, form.

23 A. No.

24 Q. (By Mr. Ruiz) No?

25 A. No.

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1 Q. Okay. So there was no -- so to -- so there was
2 no written or verbal directive that required jailers to
3 record their daily activity during May of 2007, is that
4 correct?

5 MR. CHANEY: Objection, form.

6 A. No, I can't answer that. Captain Walinsky may be
7 more apt to answer that.

8 Q. (By Mr. Ruiz) Were you aware of any, sir, as the
9 police chief?

10 A. Not -- not that they have to or didn't have to,
11 it just depends on what his instructions to them was.

12 Q. And so sitting here today, with all your
13 education, and your training, and background in law
14 enforcement, would you have wanted your jailers, back in
15 May --

16 A. Oh, most definitely.

17 Q. -- of 2007 --

18 MR. CHANEY: He hasn't finished his
19 question, would you have wanted your jailers to --
20 you've got the wait until he --

21 THE WITNESS: Okay.

22 MR. CHANEY: The end of the question, wanted
23 to what?

24 THE WITNESS: Okay, okay.

25 MR. CHANEY: So let him finish, okay?

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1 Q. (By Mr. Ruiz) Based on your experience, education
2 and training in law enforcement, Chief Martinez, would
3 you have wanted your jailers back on May 17th of 2007,
4 to have recorded and documented the -- their daily
5 activity as it pertains to monitoring of the detainees?

6 MR. CHANEY: Objection, form.

7 Q. (By Mr. Ruiz) You can answer.

8 A. Yes.

9 Q. So on -- on May 17th of 2007, Chief Martinez,
10 there were no female detention officers or jailers
11 employed by the City of Weslaco, is that correct?

12 A. That's correct.

13 Q. And so if there were no female jailers or
14 detention officers on May 17th, 2007 then there would
15 not have been someone to perform a thorough pat down of
16 Maricela Trevino when she was admitted into the jail the
17 evening of May 17th of '09?

18 A. Pat down was not done, but just brisk pat down.

19 Q. And --

20 A. Checking the pockets and that's it.

21 Q. Okay. And what type of a -- is that the type of
22 pat down that the -- that the policy is required?

23 A. For -- for males and females, yes.

24 Q. Okay. So the policy for a male jailer booking
25 and patting down a female detainee was a brisk pat down,

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1 is that correct?
 2 A. Females.
 3 Q. And this is in May of '07?
 4 A. Yes.
 5 Q. Okay. Is that written down anywhere, sir?
 6 A. No, it's not written down anywhere.
 7 Q. Is that a verbal directive policy?
 8 A. Yes, it is.
 9 Q. And you approved of that policy as chief in
 10 May of '07?
 11 A. Yes, sir.
 12 Q. Okay. And the policies that Captain Walinsky had
 13 set out the verbal directives concerning the
 14 completion -- the completion and the documentation of
 15 the -- of the medical questionnaire on the back side of
 16 the jail card, that was a policy that you approved of as
 17 well in May of '07, correct?
 18 A. Captain Walinsky?
 19 Q. Yes.
 20 A. I can't answer that, unless you -- verbal
 21 policies, you would have to talk to Captain Walinsky
 22 about verbal policies.
 23 Q. Did they have -- his policies had your blessings,
 24 right, as the -- as your --
 25 A. Well, I understand that. But if it was a verbal,

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1 I mean, he went ahead and to the best of his ability --
 2 Q. Okay.
 3 A. -- gave them a directive or a verbal directive to
 4 do stuff.
 5 Q. So you were --
 6 A. And I wouldn't -- I mean, as long as the -- the
 7 jail system was running smoothly, you know, based on
 8 him, I have to rely on the captain to -- to be doing his
 9 job.
 10 Q. Well, and if that was his policy, you had no
 11 problem with it?
 12 A. No.
 13 Q. Correct?
 14 A. That's correct.
 15 Q. And you also didn't have any problem with Captain
 16 Walinsky's policy as it pertains to officers or jailers
 17 completing the medical booking sheet as well, is that
 18 correct?
 19 A. That's correct.
 20 Q. Okay. I'm sorry, Chief, give me a second to
 21 catch -- Chief, in May of 2007, what were the intake
 22 procedures to determine immediate medical needs of a
 23 detainee?
 24 A. The assessments made by the officer at -- on the
 25 scene.

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1 Q. I'm sorry?
 2 A. On the scene.
 3 Q. On the scene?
 4 A. The officer assessment.
 5 Q. Okay. Chief, in May of 2007, what were
 6 the -- before -- well, on May 17th, 2007, what were the
 7 intake procedures to determine immediate policies
 8 regarding custodial supervision of a detainee?
 9 MR. CHANEY: Objection, form.
 10 A. Would you repeat the -- I don't understand the
 11 question. What are you asking?
 12 Q. (By Mr. Ruiz) Sure. If someone -- if someone
 13 requires -- was there ever a situation where someone
 14 required constant supervision at the -- at the Weslaco
 15 jail during your tenure?
 16 A. Not constant supervision, but like your public
 17 intoxicated persons that -- because we were a holdover
 18 for DPS also.
 19 Q. Okay.
 20 A. That were highly intoxicated and they needed to
 21 be looking at them to make sure that they weren't
 22 passing out.
 23 Q. Okay. And so if you had a -- and so your -- in
 24 May of 2007, before May 17th of 2007, your policy was to
 25 monitor these detainees every 30 minutes, correct?

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1 A. Unless told by the officer -- pointed out by the
 2 officer, you need to watch him because he's had too much
 3 to drink, or you need to watch him because he's violent.
 4 Q. Okay.
 5 A. Or let me know if he starts hurting himself, so
 6 you know.
 7 Q. Okay. And under what circumstances would
 8 you -- like let's say somebody was hurting themselves?
 9 A. Uh-huh.
 10 Q. What type of supervision would be afforded that
 11 detainee upon knowing that?
 12 A. Okay. Then every 15 minutes they would have to
 13 check with them, and then constant -- we would lock in
 14 the -- the camera to that particular cell.
 15 Q. Okay.
 16 A. And then monitor the rest.
 17 Q. And if someone was highly intoxicated, what type
 18 of monitoring would --
 19 A. The same.
 20 Q. Would be required?
 21 A. The same, sir.
 22 Q. That would be every 15 minutes?
 23 A. Every 15 minutes and then constant visual --
 24 Q. Okay.
 25 A. -- on the camera.

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1 Q. Okay. So it would be the jail detention officer
2 or jailer going to the cell every 15 minutes?

3 A. Yes.

4 Q. If there is a person who is highly intoxicated or
5 on drugs?

6 A. Right.

7 Q. If there is a -- at the same time, you would also
8 have video monitoring?

9 A. Dispatch -- alert dispatch to be looking at them
10 and let you know if anything out of the ordinary is
11 happening.

12 Q. Okay. And how would dispatch know, who
13 was -- who was responsible for letting dispatch know
14 that this prisoner, we need -- we need you to constantly
15 be video monitoring him?

16 A. The officer.

17 Q. The police officer?

18 A. The police officer.

19 Q. Not the jailer?

20 A. Not the jailer.

21 Q. Okay. Now, so we have an example of a detainee,
22 this is prior to May 17th, okay --

23 A. Uh-huh.

24 Q. -- of 2007, my hypothetical.

25 A. Okay.

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1 Q. You have an individual who is hurting himself,
2 okay, this is an example you gave.

3 A. Uh-huh.

4 Q. The requirement that the jailer was supposed to
5 follow was that he would monitor that individual every
6 15 minutes, correct?

7 A. Yeah. Up until the point that he starts hurting
8 himself.

9 Q. Okay. And at the same time, the officer would
10 have been responsible to advise the dispatcher to -- to
11 have constant monitoring on that particular cell or
12 detainee?

13 A. Uh-huh.

14 Q. Is that correct?

15 A. That's correct.

16 Q. Okay. Any type of situation that would require
17 monitoring, like constant monitoring? Can you think of
18 any, sir?

19 A. I mean, the dispatch monitors anybody and
20 everybody that are in the cells.

21 Q. Okay.

22 A. But if they -- if an officer would request that
23 that person be -- be constantly monitored for whatever,
24 an assessment would have to be redone, and perhaps maybe
25 have him looked by a doctor.

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1 We call in an EMS to kind of give them -- ask him
2 the questions, and check his vitals, and check his
3 purchase, or check whatever they do as an EMS. And then
4 the officer, arresting officer, together with the
5 supervisor, would reevaluate or reassess.

6 And if -- if at -- if they felt that he needed to
7 go to MHMR for whatever, because he's continuing to hurt
8 himself, he's going to hurt himself, then at that point
9 they -- they get him out of the cell and they took him
10 to MHMR.

11 Q. Okay. And just to be clear, so the level of
12 video monitoring 15 minutes -- of the 15-minute level --
13 let me start over, maybe that was a bad question.

14 If I understand you correctly, Chief Martinez, it
15 would be the arresting police officer who would advise
16 the dispatcher whether constant monitoring was going to
17 be needed for a detainee?

18 A. That's correct.

19 Q. This is prior to May 17th of '07?

20 A. That's correct.

21 Q. Did that policy change after May 17th of 2007?

22 A. No, sir, it's still -- it's still in place. I
23 mean, they monitor everybody.

24 Q. Okay.

25 A. But if you have -- there's a -- there's a feature

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1 in the computer that brings up just that cell, and you
2 can -- the other ones rotate.

3 Q. Okay.

4 A. From the man cell, to the drunk tank, to the
5 juvenile cell. And it --

6 Q. Okay.

7 A. But you would have that feature that would lock
8 in on that particular cell, and you would always
9 constantly be monitoring that cell.

10 Q. And that would have been the dispatcher?

11 A. That would have been --

12 Q. Who would be monitoring, right?

13 A. Yeah, that would have been the dispatcher. And
14 if there was any -- anything out of the ordinary, their
15 job was to call jail -- jailer, jailer calls the
16 officer -- arresting officer, the arresting officer
17 comes in and reassesses.

18 Q. Okay. And so a lot depends on the arresting
19 police officer's assessment and evaluation of the person
20 detained, correct?

21 A. That's correct.

22 Q. And in order for the arresting police officer to
23 communicate when there's a need for video -- constant
24 video monitoring, that all depends on the type of
25 training that that police officer has obtained with

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1 respect to medical and mental health issues, would you
2 agree with that?

3 MR. CHANEY: Objection, form.

4 A. And years of experience.

5 Q. (By Mr. Ruiz) And years of experience, you said,
6 right?

7 A. Uh-huh.

8 Q. And I'm sorry, I think Mr. Chaney objected.

9 A. Uh-huh.

10 Q. That also -- his training in medical and mental
11 health issues would be very important for that arresting
12 officer in order to make that call, whether the
13 dispatcher needs constant monitoring of this individual
14 by video, is that correct?

15 A. Uh-huh.

16 Q. Is that a yes?

17 A. Yes.

18 Q. Okay. Chief Martinez, if -- would you agree with
19 me that if a jailer would have completed the screening,
20 the booking medical sheet, and depending on the answers
21 to the booking medical sheet that the detainee provided,
22 would you agree with -- with me that whatever the
23 detainee responds to, that would dictate the level of
24 monitoring or surveillance that should be provided to
25 that detainee?

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1 MR. CHANEY: Objection, form.

2 A. I can't agree on anything that -- that is in his
3 mind. I don't know what he was thinking about at that
4 time. I don't know if -- if he figured that -- you
5 know, I know what the assessment that needs to take
6 place by the police officer.

7 Q. (By Mr. Ruiz) Right.

8 A. Be as far as the jailer is concerned -- I mean,
9 unless he were to tell me, you know, I think he did
10 this, I think she needs this, then otherwise I can't
11 agree to say that, yeah, that's what he would have done.

12 Q. Well, then let me ask you this question, because
13 one of the questions for the -- for the jailer to answer
14 is --

15 A. Uh-huh.

16 Q. -- does the inmate's behavior suggest the risk of
17 suicide or assault? What happens when the arresting
18 officer doesn't feel like there's a need to have
19 constant monitoring, okay, but the jailer does believe
20 that the inmate's behavior suggests the risk of suicide
21 or assault?

22 A. Then he calls --

23 Q. What happens then?

24 A. He calls the officer back in and tells him why he
25 feels that there's that need, then the officer

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1 reassesses or calls in the supervisor, which is Captain
2 Walinsky, and says, look, my assessment is this, but the
3 jailer has seen this and that, and I think we need to
4 come together on -- on an agreement, and let's -- I
5 think if he needs to go to MHMR, then that's when they
6 take him to MHMR.

7 Q. In your opinion, Chief Martinez, do you think
8 that the questions that are written down on this booking
9 medical sheet 1 through 22, how important are the
10 answers to these questions, based on your education,
11 training and experience?

12 A. They're important.

13 Q. Okay. And they should always be completed,
14 correct?

15 A. My opinion, yes.

16 Q. Okay. And the same goes for the medical
17 questionnaire on the back of the jail card, correct?

18 A. Yes, sir.

19 Q. They should always be completed because they're
20 very important?

21 A. My opinion, yes, sir.

22 Q. You said that there was some internal trainings
23 that were provided to the jailers or detention officers
24 earlier?

25 A. Yes, sir.

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1 Q. Do you know whether any of that training focused
2 on how to determine if a detainee is suffering from
3 mental illness and presents a danger to himself or
4 herself and others?

5 A. No, sir, not -- not -- not unless I looked at the
6 training --

7 Q. Okay. Was that something --

8 A. -- records.

9 Q. -- that Captain Walinsky would be --

10 A. Yes, sir.

11 Q. -- be a better person to ask?

12 A. Yes, sir.

13 Q. Okay. The information that's con -- the
14 information on this booking medical sheet, Chief
15 Martinez?

16 A. Uh-huh.

17 Q. Is -- are there fields on the computer for the
18 jailer to answer them in? Or is it -- do you have to
19 answer them with a pen and pencil -- pen or pencil?

20 A. I'm not familiar with the -- with the -- the
21 fields on the computer. It's -- you would have to ask
22 Captain Walinsky or the ID tech.

23 Q. Okay.

24 A. We had an ID tech that worked there.

25 Q. Okay. And who was the ID tech during --

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1 A. Freddy Hinojosa.
 2 Q. Freddy Hinojosa. He's a civilian, I take it?
 3 A. Yes, sir.
 4 Q. Do you know if he's still employed by the City of
 5 Weslaco?
 6 A. I don't think he's employed with the City of
 7 Weslaco.
 8 Q. Okay. Chief Martinez, what kind of policies and
 9 practices were in place by the City of Weslaco Police
 10 Department in May of 2007 to prevent detainees from
 11 committing suicide?
 12 MR. CHANEY: Objection, form.
 13 MR. RUIZ: What's your --
 14 MR. CHANEY: All of -- what he's talked
 15 about all day.
 16 MR. RUIZ: Well, I can rephrase the
 17 question.
 18 MR. CHANEY: Okay.
 19 MR. RUIZ: If you want me to.
 20 MR. CHANEY: I mean, that's what we've been
 21 talking about for --
 22 Q. (By Mr. Ruiz) Chief Martinez, were there -- was
 23 there a specific group of policies in May -- prior to
 24 May 17th of 2007 that were tailored to prevent detainees
 25 from committing suicide inside the Weslaco jail?

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1 A. Well, the assessment that was -- the assessment
 2 primarily would prevent -- even the arrest, you know, of
 3 the individual.
 4 So if we had knowledge, or if the officer
 5 assessed the suspect to be a mental health patient, then
 6 he wouldn't even be arrested. He would be taken before
 7 MHMR, and then, you know, let MHMR make that evaluation,
 8 and perhaps maybe would have to go to some placed
 9 hospital where you take them up to San Antonio, Waco
 10 or --
 11 Q. And so if I'm understanding your answer,
 12 Chief Martinez, the tool available to prevent suicides
 13 was the authority that an arresting officer had to
 14 involuntarily commit someone?
 15 A. Right.
 16 Q. Is that correct?
 17 A. That's correct.
 18 Q. Is there anything else that was written?
 19 A. Well, you -- you have the -- it alerts you, it
 20 doesn't prevent it, but you have video cameras that you
 21 look at, and then you have the 15 minute -- 30 minute
 22 check on the prisoners to insure, make sure that they're
 23 not --
 24 Q. Okay.
 25 A. They're not --

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1 Q. So to check on --
 2 A. But to prevent -- to prevent them from becoming
 3 suicidal, I mean, only that person is going to -- if the
 4 assessment is not made up front, then --
 5 Q. Okay. Well, then let me see if I understand, let
 6 me give you the list, okay? The policies that were in
 7 place prior to May 17th of 2007 to prevent detainees
 8 from committing suicide at the Weslaco Police Department
 9 rested primarily on the arresting officer's assessment
 10 of the individual at the scene?
 11 A. That's correct.
 12 Q. And that arresting officer's authority and
 13 ability to transfer that individual to a hospital or
 14 medical or mental health facility?
 15 A. Uh-huh.
 16 Q. Is that correct?
 17 A. Uh-huh.
 18 Q. The other policy that was in place or policies
 19 involved the jailer daily check of the inmates?
 20 A. Yes, sir.
 21 Q. Okay. And what else, sir? I only caught those
 22 two.
 23 A. The video cameras.
 24 Q. Oh, and the video cameras -- video monitoring by
 25 the communications dispatchers, is that correct?

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1 A. Well, I mean, they would alert us to what's going
 2 on, whether they prevent suicide.
 3 Q. Right. And I'm just trying to find out what you
 4 had in place in order to -- would you say minimize the
 5 risk, would that be better?
 6 A. Well, it would minimize the risk, yeah.
 7 Q. And have I understood everything that was in
 8 place on May 17th of 2007?
 9 A. Yes, sir.
 10 Q. And before?
 11 A. Yes, sir.
 12 Q. Okay. Were there any -- on -- prior -- on
 13 May 17th, 2007, Chief Martinez, were there any written
 14 policies and practices that addressed suicide prevention
 15 techniques for your jailer, let's say?
 16 A. No, sir.
 17 Q. For your police officers?
 18 A. No, sir.
 19 Q. For your dispatchers?
 20 A. No, sir.
 21 Q. And let me see if I understand you correctly, I
 22 might give you an example, assume with me that you
 23 have -- this is prior to May 17th of '07. That you have
 24 a -- a person, a detainee who states that she wants to
 25 kill herself, okay, during the booking process, and --

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1 what are the procedures that the Weslaco jailer or the
2 arresting officer should follow after hearing that
3 statement?

4 MR. CHANEY: Objection, form.

5 A. Okay. If we're assuming, then it's not actual.
6 If you're asking me what I would do, I can tell you, but
7 I mean assuming is -- can be anything. I mean,
8 assuming -- I can assume that they're not suicidal.

9 Q. (By Mr. Ruiz) Okay.

10 A. And you're asking me to assume that they're
11 suicidal and what was the policy, we don't deal with
12 assume -- assumptions, we deal with facts and we deal
13 with what actually is going on, what's happening.

14 Q. Okay. And my question was, what if the detainee
15 during booking states that she wants to kill herself?

16 What --

17 A. Then they call the arresting officer back in.

18 Q. Who does?

19 A. The jailer --

20 Q. Okay.

21 A. -- calls the officer back in, and tells the
22 officer exactly what she has said. The officer then
23 reassesses, and if he has a problem, then he calls the
24 supervisor and then that's -- they go from there.

25 Q. Okay.

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1 A. That's assuming that she wants to kill herself.

2 Q. Well, and -- okay. If she states it or assumes
3 it, that's what they would do?

4 A. If she assumes that's -- we're going to -- that's
5 what we would do. If she states, then we'll do the
6 actual call.

7 Q. Well, I'm a little confused but I'll ask it
8 again.

9 A. Well, I mean --

10 Q. What was a jailer supposed to do --

11 A. If she states --

12 Q. Can I finish my question that way --

13 A. Sure.

14 Q. -- we can be on the same page.

15 A. Sure.

16 Q. During the booking process, Chief Martinez, prior
17 to May 17th of '07, what was the jailer supposed to do
18 upon hearing that the detainee wants to kill himself or
19 herself? What does he do?

20 A. Then they call --

21 Q. Take me step by step.

22 A. Then they call the officer.

23 Q. Okay.

24 A. The officer reassesses by talking to them, asking
25 questions, looking at prior -- I mean getting --

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1 investigating, look at prior arrests, what has been
2 her -- and then if he has a problem with reaching a -- a
3 conclusion, then he calls the -- the supervisor, which
4 would be Captain Walinsky.

5 Q. And the looking at prior arrests, you can -- that
6 would require looking at an individual's complete arrest
7 history?

8 A. Well, you would -- yeah. Who was the arresting
9 officer on prior cases? And then ask the arresting
10 officer on prior cases what assessment did you make when
11 you arrested her? And then you go from there, you do an
12 investigation.

13 Q. Would you look at the arrest records also?

14 A. Sometimes, sometimes you don't. Sometimes you go
15 by the -- by what the other officer tells you.

16 Q. Okay. And when this officer is called back, he
17 has access to prior arrest records for a person,
18 correct?

19 A. Only if he goes through the officer that made the
20 report.

21 Q. Okay.

22 A. In the incident report, only the officer that
23 makes that report has the authority to pull that report
24 out.

25 Q. Would Captain Walinsky --

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1 A. Captain Walinsky would.

2 Q. So --

3 A. Because he's the supervisor.

4 Q. Okay.

5 A. He's got his password.

6 Q. Okay. And this was -- this was prior the
7 May 17th of '07, right?

8 A. Yes, sir.

9 Q. Okay. So Captain Walinsky would have the
10 authority and the clearance, I guess, to look back at
11 this detainee's arrest history to determine either a
12 medical condition, or any past abnormal behavior, or
13 even suicide attempts, would that be correct?

14 A. That's correct.

15 Q. Okay. And that was a policy that had your
16 blessing prior to May 17th of '07?

17 MR. CHANEY: Objection, form. When you say
18 "that," what do you mean?

19 Q. (By Mr. Ruiz) The policy of involving
20 Captain Walinsky -- the arresting officer and
21 Captain Walinsky and looking at jail -- past jail
22 records and past arrest records in order to inform their
23 judgment about what to do, that's what I meant. Is that
24 a yes?

25 A. Yeah.

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1 Q. In the mean time, what is the jailer supposed to
2 do with the detainee while this is done, Chief Martinez?
3 A. What do you mean?
4 Q. Well --
5 A. What is he supposed to do? He just turned him
6 over to the police officer.
7 Q. Okay. And the arresting officer, what does he
8 do?
9 A. Takes custody again --
10 Q. Okay.
11 A. -- of the inmate.
12 Q. Uh-huh.
13 A. And then when the officer and the Captain are
14 done, they turn him back over to the jailer, which takes
15 custody of them again, and places him in the cell.
16 Q. Okay. And taking custody means that they're with
17 the --
18 A. Yes.
19 Q. -- detainee 100 percent of the time?
20 A. Yes, yes.
21 Q. Okay. I wasn't sure, that's why I was asking.
22 A. Yes.
23 Q. Okay. Now, on -- it seems -- I think you stated
24 earlier, I think, prior to one of your breaks that on
25 May 17th, 2007, the dispatcher at the communications

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1 department was unable to fully see Ms. Trevino inside of
2 her cell, am I -- did I understand you correctly?
3 A. No, I didn't say that.
4 Q. Okay. I thought I had written down --
5 A. No.
6 Q. -- dispatcher can't see her from her camera?
7 A. I said if -- if the dispatcher is not able to see
8 a prison, a prisoner. Not necessarily Maricela Trevino.
9 Q. Okay.
10 A. That she would call the jailer and say, look, I
11 can't see her, maybe she's hiding, what is she doing?
12 Is she under the bed or whatever.
13 Q. Okay.
14 A. So then the jailer goes and takes a look in the
15 cell and finds out where this person is.
16 Q. Okay. Thank you for clarifying that.
17 A. Uh-huh.
18 Q. And if someone is in the booking department
19 getting booked, a detainee, and that -- going back to
20 the example, the detainee that states that he or she
21 wants to kill himself or herself, do you think that's a
22 basis for constant monitoring of that detainee?
23 A. If she says she's going to kill herself?
24 Q. Yes.
25 A. Is that a basis for constant monitoring.

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1 Q. Yes, sir. In your --
2 A. Yes.
3 Q. Okay.
4 A. Most definitely.
5 Q. And was that a basis for constant monitoring back
6 in -- prior to May 17th of '07?
7 A. Yes, sir.
8 Q. Okay. And should a supervisor be called in?
9 A. That's up to the -- to the arresting officer.
10 Q. Okay.
11 A. If he feels that he needs the supervisor to come
12 in.
13 Q. Should a medical provider be called in?
14 A. If the supervisor feels that -- if there's blood
15 in her hands, she hurts himself or herself, then you
16 call an EMS person. If you -- the assessment is made
17 that he needs an evaluator, then they take him to MHMR,
18 and over there they would evaluate them.
19 Q. Okay, thank you. Now, Officer, you've been a DPS
20 trooper, you've been a -- an Hidalgo County reserve
21 officer and you've been a police chief.
22 The types of persons who law enforcement comes in
23 contact with on a daily basis, would they include
24 homeless people?
25 A. Sure.

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1 Q. Would they include gang members?
2 A. Sure.
3 Q. Juveniles?
4 A. Yes, sir.
5 Q. Pregnant ladies?
6 A. Yes, sir.
7 Q. How about people with physical ailments?
8 A. Yes, sir.
9 Q. How about people with communicable diseases?
10 A. Yes, sir.
11 Q. People with psychiatric problems?
12 A. Yes, sir.
13 Q. People with behavioral problems?
14 A. Yes, sir.
15 Q. People with relationship problems, with family
16 and loved ones?
17 A. Family violence, yes, sir.
18 Q. People with emotional problems?
19 A. Yes, sir.
20 Q. And people with drug addiction and psychiatric
21 problems?
22 A. Yes, sir.
23 Q. And these persons, these types of people that law
24 enforcement comes in contact with on a daily basis,
25 these are also the types of persons that are arrested by

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1 law enforcement at times?
 2 A. Yes, sir.
 3 Q. So it wouldn't surprise you, and it would be, in
 4 fact, common to have to arrest someone with a drug
 5 addiction and psychiatric problems?
 6 A. Yes, sir.
 7 Q. Someone who's going through emotional problems?
 8 A. Yes, sir.
 9 Q. Someone who's going through relationship problems
 10 with family and loved ones?
 11 A. Yes, sir.
 12 Q. Behavioral issues?
 13 A. Yes, sir.
 14 Q. Psychiatric issues?
 15 A. Yes, sir.
 16 Q. And physical ailments?
 17 A. Yes, sir.
 18 Q. Okay. So it's foreseeable for a law enforcement
 19 department such as the Weslaco Police Department and
 20 their officers, and jailers, and dispatchers, it's
 21 foreseeable that they're going to come in contact with
 22 mentally unstable persons who may be suicidal?
 23 MR. CHANEY: Objection, form.
 24 Q. (By Mr. Ruiz) Is that a yes?
 25 A. Sure.

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1 Q. Okay. And it's foreseeable that they're going to
 2 come -- Weslaco PD officers, jailers and dispatcher are
 3 going to come in contact with persons suffering from
 4 depression who are suicidal?
 5 MR. CHANEY: Objection, form.
 6 A. (Witness nods head.)
 7 Q. (By Mr. Ruiz) Is that a yes?
 8 A. Yes, sir.
 9 Q. And it's also foreseeable for Weslaco PD
 10 officers, jailers and dispatchers to come in contact
 11 with emotional disturbed persons who are suicidal?
 12 MR. CHANEY: Objection, form.
 13 A. Yes, sir.
 14 Q. (By Mr. Ruiz) And lastly, you can -- it's also
 15 foreseeable for Weslaco PD officers, jailers and
 16 dispatchers to come in contact with persons under the
 17 influence of drugs, who are also suicidal?
 18 MR. CHANEY: Objection, form.
 19 A. Yes, sir.
 20 Q. (By Mr. Ruiz) And Chief, along the same lines,
 21 would you agree with me that it is common for Weslaco
 22 Police Department jailers and detention officers to
 23 handle detainees with mental health issues?
 24 MR. CHANEY: Objection, form.
 25 Q. (By Mr. Ruiz) Who aggravate their conditions by

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1 consuming drugs or alcohol?
 2 MR. CHANEY: Objection, form.
 3 Q. (By Mr. Ruiz) You can answer.
 4 A. No.
 5 Q. No?
 6 A. The assessment is done by the officer, and the
 7 jailers don't handle that.
 8 Q. Okay. Would you agree with me, Chief Martinez,
 9 that Weslaco Police Department jailers encounter usual
 10 and recurring situations where detainees express the
 11 desire to kill themselves during their incarceration at
 12 the Weslaco jail?
 13 MR. CHANEY: Objection, form.
 14 A. It's possible.
 15 MR. CHANEY: Did you say it's common?
 16 MR. RUIZ: I said it's usual and recurring.
 17 MR. CHANEY: That it's usual and -- would
 18 you repeat the question?
 19 MR. RUIZ: Sure.
 20 Q. (By Mr. Ruiz) Would you agree with me,
 21 Chief Martinez, that Weslaco jailers encounter usual and
 22 recurring situations where detainees express a desire to
 23 kill themselves during their incarceration at the
 24 Weslaco jail?
 25 A. No.

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1 Q. No?
 2 A. No.
 3 Q. Okay. Let me stop right there.
 4 THE VIDEOGRAPHER: Counsel, may I change
 5 tapes?
 6 MR. RUIZ: Oh, you need to change tapes?
 7 Okay, let's change types, sure.
 8 THE WITNESS: Off the record at 1:49 p.m.
 9 (Break was taken at 1:47 p.m. - 1:51 p.m.)
 10 THE VIDEOGRAPHER: We're back on the record
 11 at 1:53 p.m.
 12 (Plaintiff's Exhibit No. 10 marked.)
 13 Q. (By Mr. Ruiz) Chief, I'm going to hand you what
 14 I've marked as Exhibit No. 10, if you can please take a
 15 look at that.
 16 A. Okay, sir.
 17 Q. What is Exhibit No. 10, sir? Have you had a
 18 chance to review Exhibit No. 10, Chief Martinez?
 19 A. That's what I'm doing right now.
 20 Q. Oh, okay, I'm sorry. Okay.
 21 A. Okay, sir.
 22 Q. Okay. What is Exhibit No. 10?
 23 A. It is a jailer daily activity sheet.
 24 Q. And that jailer daily activity log is for
 25 February 5th, 2006?

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1 A. Yes, sir.
 2 Q. To February 6th, 2006?
 3 A. Yes, sir.
 4 Q. And I'll direct your attention to the top entry,
 5 under incident, at 8:30 it says, 95 Coronado was pepper
 6 sprayed and then I helped trooper put 95 in cell No. 2.
 7 Water was then sprayed on Coronado's face for
 8 decontamination. Subject Coronado was placed in Cell
 9 No. 2 where he continued to be aggressive by banging on
 10 door.
 11 A. Uh-huh.
 12 Q. Kicking door and hitting it with his head. A
 13 10-minute watch was placed on this subject due to
 14 stating that he was going to kill himself.
 15 A. Uh-huh.
 16 Q. Did that read that correctly?
 17 A. That's correct.
 18 Q. Okay. So here we have one instance where a
 19 detainee expressed that he was going to kill himself?
 20 A. Uh-huh.
 21 Q. I'm going to provide you with another one, okay?
 22 A. Okay. This is -- okay.
 23 (Plaintiff's Exhibit No. 11 marked.)
 24 Q. (By Mr. Ruiz) I'm going to hand you
 25 Exhibit No. 11.

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1 A. Uh-huh.
 2 Q. What is Exhibit No. 11?
 3 A. It's also a jailer daily activity log.
 4 Q. Okay. For what date, sir?
 5 A. 9/7.
 6 Q. September of '07?
 7 A. 9/7/05.
 8 Q. Oh, of '05, okay. And I'm trying to find my
 9 copy. But do you see in that Exhibit No. 11 where the
 10 jailer has written down in the incident report section
 11 suicide?
 12 A. Right here, uh-huh.
 13 Q. Do you see that? And if I could see that here
 14 with you.
 15 A. Uh-huh.
 16 Q. And it says 10-4, female suicidal with a bunch of
 17 asterisks, do you see that, sir?
 18 A. Uh-huh.
 19 Q. Okay. So those are at least two instances where
 20 detainees have expressed -- have expressed that they
 21 want to kill themselves?
 22 A. Uh-huh.
 23 Q. Is that a yes?
 24 A. Yeah.
 25 Q. Okay. So if I ask you this question, would you

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1 agree with me that Weslaco jailers encounter usual and
 2 recurring situations where detainees express a desire to
 3 kill themselves during their incarceration at the
 4 Weslaco jail?
 5 A. One is in '05 and the other one is '06, that's a
 6 year apart.
 7 Q. Okay.
 8 A. So that is not reoccurring.
 9 Q. Okay.
 10 A. Okay. It's a year apart.
 11 Q. Okay.
 12 A. That we do have them, yeah, I will agree that we
 13 do have people.
 14 Q. Okay.
 15 A. But not reoccurring.
 16 (Plaintiff's Exhibit No. 12 marked.)
 17 MR. CHANEY: That's DPS, not ours.
 18 Q. (By Mr. Ruiz) Okay. Does the Weslaco Police
 19 Department have -- does Weslaco Police Department
 20 officers encounter usual and recurring situations where
 21 subjects express a desire to kill themselves?
 22 MR. CHANEY: You've asked that question now
 23 about three times, and he's answered the same way.
 24 MR. RUIZ: That's a different question, but
 25 what's --

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1 MR. CHANEY: Weslaco Police Department?
 2 MR. RUIZ: Right. The other ones were --
 3 the other ones were limited to people who were detained.
 4 MR. CHANEY: Okay. Now, I just
 5 misunderstood your question, I apologize.
 6 MR. RUIZ: Okay.
 7 MR. CHANEY: Would you ask it again?
 8 MR. RUIZ: Sure.
 9 Q. (By Mr. Ruiz) Would you agree with me that
 10 Weslaco Police Department officers encounter usual and
 11 recurring situations where subjects express a desire to
 12 kill themselves?
 13 A. Yes, sir.
 14 Q. Okay. In fact, I'm going to hand you
 15 Exhibit No. 12.
 16 A. Okay.
 17 Q. And I'll direct your attention, this is an
 18 internal police department memo?
 19 A. Yeah.
 20 Q. Correct? And it's from you, Chief JD Martinez,
 21 chief of police. Are those your initials?
 22 A. Yes, sir.
 23 Q. To city manager Anthony Covacevich?
 24 A. Uh-huh.
 25 Q. And it's dated June 9th, 2008?

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1 A. Uh-huh.
 2 Q. And the subject is the Advocacy, Inc. document
 3 review?
 4 A. Uh-huh.
 5 Q. And towards the bottom of the last paragraph you
 6 write, to Weslaco Police Department deals with suicidal
 7 subjects Section 26/28 apprehensions with and without
 8 warrant for mental health?
 9 A. Uh-huh.
 10 Q. On a regular basis in order to get professional
 11 help to those in need of mental health.
 12 A. Yeah.
 13 Q. Did I read that correctly?
 14 A. On a regular basis, in order to get professional
 15 help to those who need mental health services,
 16 Section 26 and 28.
 17 Q. Did I --
 18 A. That's what I'm talking about.
 19 Q. Did I read that Section correctly?
 20 A. Yeah, but whether you're -- you're understanding
 21 it correctly is --
 22 Q. Well, my question -- and I can make it real
 23 simple. Does the Weslaco Police Department, prior the
 24 May 17th of 2007, did it on a regular basis deal with
 25 suicidal subjects Section 26 and 28 apprehensions, in

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1 order to get professional help to those in need of
 2 mental health services?
 3 A. Yeah.
 4 Q. What number was that, Chief?
 5 A. That's No. 12.
 6 Q. Chief, on May 17th, 2007 did you -- were you
 7 contacted by any of your assistant police officers?
 8 A. Yes, sir.
 9 Q. Okay. Were you in Weslaco at the time?
 10 A. No, sir.
 11 Q. Where were you, sir?
 12 A. I was at a conference at the Island.
 13 Q. Okay. And what was the name of that conference?
 14 A. I wouldn't be able to tell you. It involved the
 15 city manager, the mayor, the commissioners, and some
 16 department heads.
 17 Q. Was it a conference for purposes of law
 18 enforcement training?
 19 A. It was a conference that dealt with city staff.
 20 Q. Okay. Was it just -- was it just for -- so no,
 21 it was not a conference that related --
 22 A. It was not a law enforcement conference, no, sir.
 23 Q. Okay.
 24 A. It was for public officials.
 25 Q. Okay. And were you required to attend this

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1 conference?
 2 A. I was asked to attend by the city manager and
 3 mayor.
 4 Q. And who was the city manager and mayor at that
 5 time?
 6 A. Anthony Covacevich.
 7 Q. Okay. And the mayor?
 8 A. The mayor was Buddy De La Rosa.
 9 Q. Okay. And what -- what did they tell you when
 10 you -- who contacted you?
 11 A. The captain, Captain Walinsky.
 12 Q. Okay. And what did he tell you during that
 13 conversation?
 14 A. He stated to me that there was an attempt -- a
 15 suicide attempt.
 16 Q. Okay.
 17 A. The person was revived, taken to the hospital,
 18 later died at the hospital.
 19 Q. Okay. Did he tell you -- did you give him any
 20 directives at that time?
 21 A. Yes, sir. I told him to make sure that we get
 22 statements from everybody that was involved, paramedics,
 23 if there were paramedics used, police officers, anybody
 24 that was in contact, dispatchers, jailers. And then
 25 make sure that -- that they checked up on her, continue

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1 to see whether she was surviving or not surviving.
 2 Q. Did you at any point get directly involved with
 3 that investigation?
 4 A. No, sir.
 5 Q. Okay. And did Captain Walinsky assign somebody
 6 else to conduct -- to do what you asked him, or was it
 7 his duty to comply with your orders?
 8 A. You would have to ask him.
 9 Q. Okay. And what do you recall that he did?
 10 A. Both captains came in, so I'm assuming that
 11 Captain Walinsky got the assistance of Captain Vallejo.
 12 Q. Vallejo, okay. Is that Raul Vallejo?
 13 A. Raul Vallejo. And there was a sergeant that was
 14 on duty that was in charge of the patrol that evening,
 15 which was Sergeant Mesa. And then there was a corporal
 16 who was in charge of the shift personnel, which was
 17 Corporal Badileo Castillo. And the CID officer on-call
 18 and in the office was -- I can't think of the names
 19 of -- I know --
 20 Q. Well, quick question --
 21 A. Yeah.
 22 Q. -- here, Chief, who was responsible -- who would
 23 have been the jailer's direct supervisor on May 17th of
 24 2007?
 25 A. The Sergeant Mesa --

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1 Q. Okay. Sergeant Mesa?
 2 A. -- who was the on-duty supervisor.
 3 Q. And by --
 4 A. Followed by the corporal.
 5 Q. And followed by Badileo Castillo?
 6 A. Badileo Castillo the corporal.
 7 Q. Okay. Now -- and when you mean by on-duty, does
 8 that mean that Sergeant Mesa was at the premises of the
 9 Weslaco Police Department?
 10 A. Yes, sir.
 11 Q. And jail?
 12 A. Yes, sir.
 13 Q. Okay.
 14 A. Albino is the -- Albino.
 15 Q. Flores?
 16 A. Flores is the on-call investigator and was there.
 17 Q. So Jailer Alfredo Moreno's -- if he were -- if he
 18 needed to call a supervisor, who would he have called on
 19 that day?
 20 A. Sergeant Mesa.
 21 Q. Sergeant Mesa?
 22 A. Yeah.
 23 Q. Okay.
 24 MR. RUIZ: If I can review my notes and take
 25 a look at where I'm at on my outline, which I'm towards

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1 the end, I can --
 2 MR. CHANEY: Go right ahead.
 3 MR. RUIZ: Thank you.
 4 MR. CHANEY: Not a problem.
 5 THE VIDEOGRAPHER: We're off the record at
 6 2:07 p.m.
 7 (Break was taken at 2:05 p.m. - 2:13 p.m.)
 8 THE VIDEOGRAPHER: We're back on record at
 9 2:15 p.m.
 10 (Plaintiff's Exhibit No. 13 marked.)
 11 Q. (By Mr. Ruiz) Chief Martinez, I'm going to hand
 12 you what I've marked as Exhibit No. 13, can you please
 13 take a look at that, sir?
 14 A. Yes, sir.
 15 Q. And earlier you testified that Ms. Maricela
 16 Trevino was, quote, in and out of the Weslaco jail?
 17 A. Yeah.
 18 Q. What is Exhibit No. 13?
 19 A. It's a -- it's a record of incidents that
 20 Maricela Trevino was --
 21 Q. And these incidents start in 2007 on the first
 22 page, right?
 23 A. 2007.
 24 Q. And there are incidents for 2006 and 2005 on that
 25 first page as well, right?

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1 A. Yes, sir.
 2 Q. And they go back as far as 2003 on the second
 3 page, right?
 4 A. Yes, sir.
 5 Q. Okay. So the jailers, dispatchers and police
 6 officers of the Weslaco Police Department were very
 7 familiar with local resident Ms. Maricela Trevino?
 8 MR. CHANEY: Objection, form.
 9 A. That is correct.
 10 Q. (By Mr. Ruiz) In May of 2007?
 11 A. That's correct. Familiar with, as far as arrests
 12 are concerned.
 13 Q. Correct. And she had been -- how many arrests do
 14 you see on that first page, Chief?
 15 A. 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17,
 16 18, 19, 20, 21, 22. Okay.
 17 Q. How many did you count?
 18 A. Released 22 -- see, this is the -- this is the
 19 list of offenses that she was -- now we have to go over
 20 here see if she was released.
 21 Q. Okay.
 22 A. She was booked, it tells you right there that she
 23 was booked on this date and then released and sentenced
 24 over here on the -- on the last column.
 25 Q. And how many times was she booked on -- as shown

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1 by that first page of Exhibit 13?
 2 A. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,
 3 15, 16, 17, 18, 19, 20, 21, 22.
 4 Q. 22. And once you're booked, you're incarcerated,
 5 right?
 6 A. Yes, sir.
 7 Q. And on the second page, how many -- how many
 8 times was she booked?
 9 A. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,
 10 15, 16, 17.
 11 Q. 17?
 12 A. Yeah.
 13 Q. 17 and 22, we have a total of 39 times?
 14 A. Uh-huh.
 15 Q. That she was booked and incarcerated at the
 16 Weslaco Police Department lockup between 2007 and 2003?
 17 A. Yes.
 18 Q. Would that be correct?
 19 A. Yes, sir.
 20 Q. Chief, is it -- strike that question, Chief.
 21 Do people often overdose on prescription
 22 medication as a -- as a way of committing suicide?
 23 MR. CHANEY: Objection, form.
 24 A. I have no idea.
 25 Q. (By Mr. Ruiz) You don't know? Would -- okay.

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